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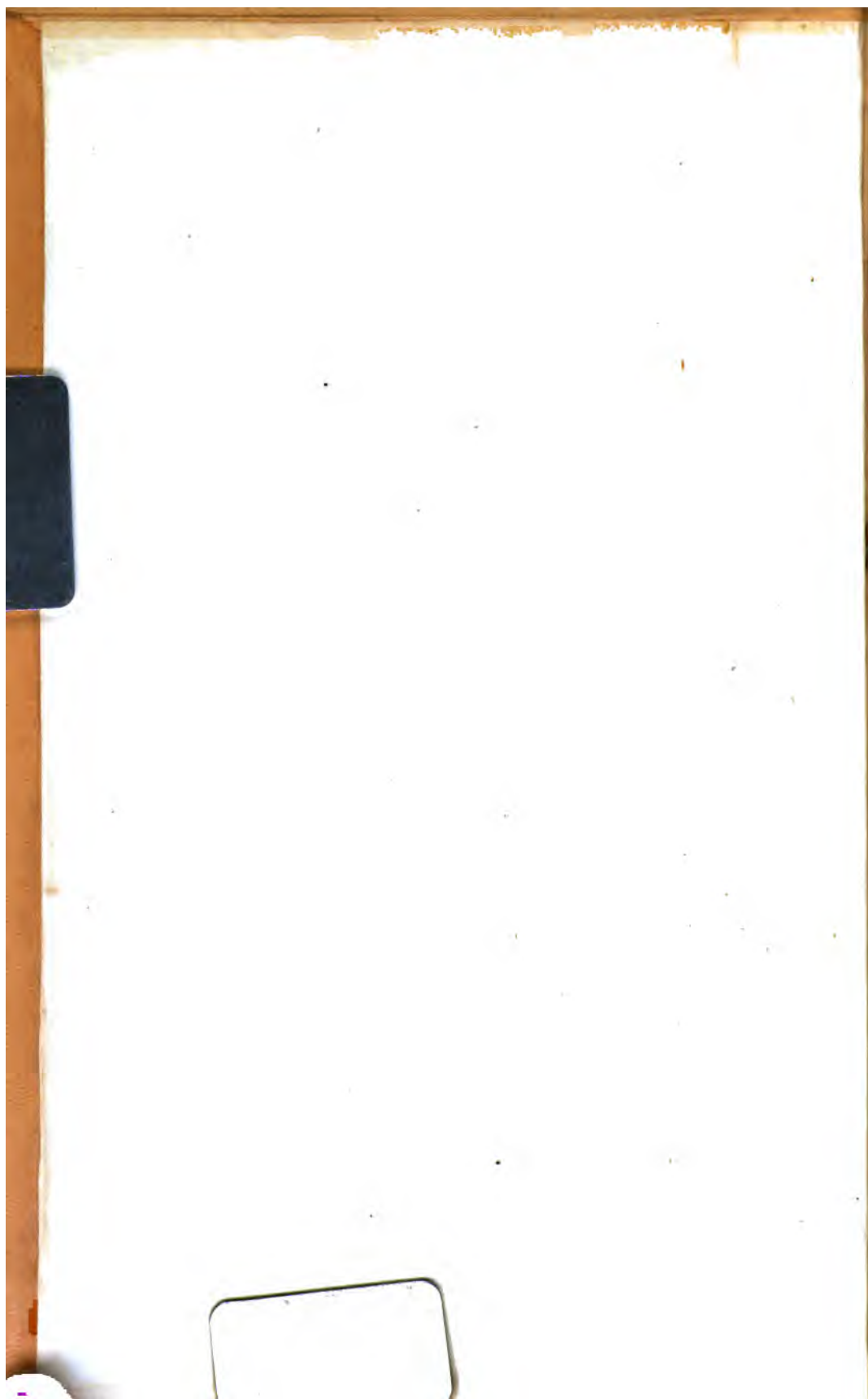
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# THE CONVENTION MANUAL

FOR THE

Sixth New York State Constitutional Convention.

1894.

## AMERICAN CONSTITUTIONS,

COMPRISING

*The Declaration of Independence, the Articles of  
Confederation, the Constitution of the United  
States, and the State Constitutions.*

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PREPARED IN PURSUANCE OF CHAPTER 8, OF LAWS OF 1893, AND  
CHAPTER 228 OF LAWS OF 1894

UNDER THE DIRECTION OF

JOHN PALMER, SECRETARY OF STATE.

JAMES A. ROBERTS, COMPTROLLER.

THEO. E. HANCOCK, ATTORNEY-GENERAL.

By GEORGE A. GLYNN, SYRACUSE, *Compiler.*

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Part 2, Vol. 2.

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## CONTENTS..

---

Constitution of New York.....	1-48
Constitution of North Carolina.....	49-82
Constitution of North Dakota .....	83-148
Constitution of Ohio.....	149-188
Constitution of Oregon .....	189-222
Constitution of Pennsylvania .....	223-274
Constitution of Rhode Island....	275-300
Constitution of South Carolina .....	301-344
Constitution of South Dakota .....	345-420
Constitution of Tennessee .....	421-456
Constitution of Texas .....	457-528
Constitution of Vermont.....	529-556
Constitution of Virginia.....	557-592
Constitution of Washington.....	593-654
Constitution of West Virginia.....	655-704
Constitution of Wisconsin....	705-752
Constitution of Wyoming .....	753-812
Act governing District of Columbia.....	813-827

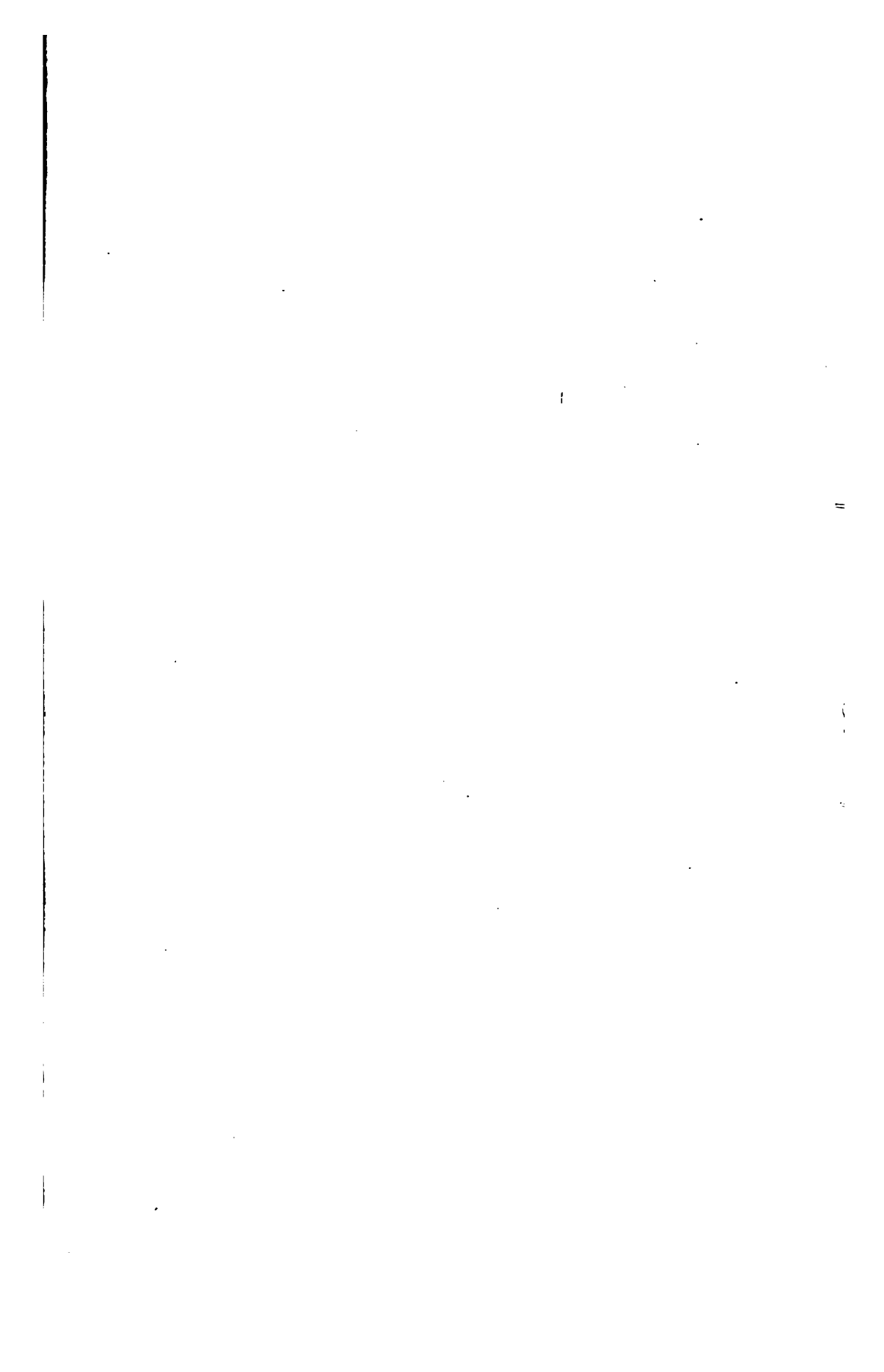




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CONSTITUTION  
OF THE  
STATE OF NEW YORK.

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CONSTITUTION  
OF THE  
STATE OF NEW YORK.

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## Section

- which they may be authorized.
19. The Legislature not to audit or allow any private claim.
  20. Bill imposing a tax, manner of passing.
  21. Same subject.
  22. Board of supervisors.
  23. Local legislative powers conferred on boards of supervisors.
  24. No extra compensation to be granted to a public officer, servant, agent or contractor.
  25. Sections seventeen and eighteen not to apply to certain bills.

## ARTICLE IV.

1. Executive power, how vested.
2. Requisite qualifications of Governor.
3. Time and manner of electing Governor and Lieutenant-Governor.
4. Duties and power of Governor.—His compensation.
5. Pardoning power vested in the Governor.
6. Powers of Governor to devolve upon Lieutenant-Governor.
7. Requisite qualifications of Lieutenant-Governor.—To be President of the Senate and to act as Governor in certain cases.
8. Compensation of Lieutenant-Governor.
9. Bills to be presented to the Governor for signature.—If returned by him with objections, how disposed of.—Bills to be returned within ten days.—After adjournment, bills must be approved in thirty days, else cannot become law.—Governor may object to items of appropriation in any bill.

## ARTICLE V.

1. State officers, how elected and terms of office.
2. State Engineer and Surveyor, how chosen and term of office.
3. Superintendent of Public Works, powers and duties:

## Section

4. Superintendent of Prisons, powers and duties of.
5. Commissioners of the Land Office.—Commissioners of the Canal Fund.—Canal Board.
6. Powers and duties of boards, etc.
7. Treasurer may be suspended by Governor.
8. Certain offices abolished.

## ARTICLE VI.

1. Impeachment.—Assembly has power of.—Effect of judgment.
2. Court of Appeals.—Judges, how chosen.—Appointment of clerk.
3. Vacancies in office of Judge of Court of Appeals.—How filled.
4. Causes pending in Court of Appeals to be referred to Commissioners of Appeals.
5. Commissioners of Appeals.—Vacancies, how filled.—Chief Commissioner to be appointed.
6. Supreme Court.—Jurisdiction.—Justices.—Judicial districts, number of Justices in; may be altered without increasing number. Seven Justices to be designated to act as Associate Judges of the Court of Appeals for the time being.
7. Terms of Supreme Court.
8. Judge or Justice may not sit in review of decisions made by him, etc.
9. Vacancy in office of Justice of Supreme Court, how filled.
10. Judges of Court of Appeals, or Justices of Supreme Court, to hold no other office.
11. Removals.—Proceedings in relation to.
12. City courts.
13. Justice of Supreme Court or Judges of City Courts, how chosen.—Term of office.—Restriction as to age.
14. Compensation of Judges or Justices.—Not to be diminished during term of office.
15. County Courts.
16. Local judicial officers.
17. Judge of Court of Appeals, or Justice of Supreme Court, election or appointment of.—Ques-

Section

- tions to be submitted to the people.
18. Justices of the Peace.
  19. Inferior local courts.
  20. Clerks of Supreme Court and Court of Appeals.
  21. No judicial officer, except Justice of the Peace, to receive fees.
  22. Judgments, etc., may be ordered directly to Court of Appeals for review.
  23. Publication of Statutes to be provided for.
  24. Judges, first election of.—When to enter upon duties.
  25. Local judicial officers.—Term of office of incumbents.
  26. Courts of Special Sessions.
  27. Surrogates' Courts.
  28. Court of Appeals may order causes to be heard by Commission of Appeals.

ARTICLE VII.

1. Canal debt.—Sinking fund.—June 1, 1846, \$1,300,000.—June 1, 1859, \$1,700,000.
2. General Fund Debt.—Sinking fund, \$350,000; after certain period, \$1,500,000.
3. Two hundred thousand dollars of the surplus canal revenues annually appropriated to general fund, and the remainder to specific public works.—Certain deficiencies in the revenues not exceeding \$2,250,000, annually to be supplied from the revenues of the canals.—Contractors, no extra compensation to be made to.
4. Loans to incorporated companies not to be released or compromised.
5. Legislature shall, by equitable taxes, increase the revenues of the sinking fund in certain cases.
6. Certain canals of the State not to be leased or sold.—Expenditures, for collections and repairs, limited.—Funds from leases or sale, how applied.
7. Salt springs.

Section

8. Appropriation bills.
9. State credit not to be loaned.
10. Power to contract debts limited.
11. Debts to repel invasion, etc., may be contracted.
12. Limitation of the legislative power in the creation of debts.
13. Sinking funds to be separately kept and safely invested.
14. Claims barred by lapse of time.—Limitation of existing claims.

ARTICLE VIII.

1. Corporations, how created.
2. Debts of corporations.
3. "Corporations" defined.
4. Charters for savings banks and banking purposes.
5. Specie payments.
6. Registry of bills or notes.
7. Individual responsibility of stockholders.
8. Insolvency of banks, preference.
9. Legislature to provide for the incorporation of cities and villages, and to define powers thereof in certain cases.
10. The credit or money of the State not to be given or loaned.
11. Counties, cities, towns and villages not to give money or property or loan their money or credit.—Their power to contract debts limited.

ARTICLE IX.

1. Common school, Literature and United States Deposit funds.

ARTICLE X.

1. Sheriffs, clerks of counties, register and clerk of New York, coroners and district attorneys.—Governor may remove.
2. Officers, how chosen or appointed.
3. Duration of office.
4. Time of election.
5. Vacancies in office, how filled.
6. Political year.
7. Removal from office.
8. When office deemed vacant.
9. Compensation of certain officers.

## ARTICLE XI.

## Section

1. Militia.
2. Manner of choosing or appointing militia officers.
3. Officers to be appointed by Governor and Senate.—Commissary-General.
4. Election of militia officers.
5. Officers, how commissioned.
6. Election of militia officers may be abolished.

## ARTICLE XII.

1. Oath of office prescribed.

## ARTICLE XIII.

1. Amendments.
2. Future conventions, how called.

## ARTICLE XIV.

1. Election.—Term of office of Senators and Members of Assembly.
2. First election of Governor and Lieutenant-Governor; when.
3. State officers, and others, to remain in office till December 31, 1847.
4. First election of judicial officers, when.

## Section

5. Jurisdiction of pending suits.
6. Chancellor and Supreme Court.—Masters in Chancery.
7. Vacancy in office of Chancellor or Justice of Supreme Court, how filled.
8. Offices abolished.
9. Chancellor and Justices of present Supreme Court eligible.
10. Officers to hold until expiration of term.
11. Judicial officers may receive fees.
12. Local courts to remain, etc.
13. When Constitution goes into operation.

## ARTICLE XV.

1. Bribery and official corruption.
2. The same subject.
3. Person offering or receiving bribe may be witness.
4. District attorney may be removed for failure to prosecute violations.—Expenses of prosecution, how chargeable.

## ARTICLE XVI.

1. Amendments, when to take effect.

## PREAMBLE.

We, the people of the State of New York, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

## ARTICLE I.

Section 1. No member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers.

Sec. 2. The trial by jury in all cases in which it has been heretofore used shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law.

Sec. 3. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State to all mankind; and no person

shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Sec. 4. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

Sec. 5. Excessive bail shall not be required nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

Sec. 6. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service; and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny, under the regulation of the Legislature), unless on presentment or indictment of a grand jury, and in any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use, without just compensation.

Sec. 7. When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the State, shall be ascertained by a jury or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited.

Sec. 8. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury, that the matter

charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Sec. 9. The assent of two-thirds of the members elected to each branch of the Legislature shall be requisite to every bill appropriating the public moneys or property for local or private purposes.

Sec. 10. No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof, nor shall any divorce be granted, otherwise than by due judicial proceedings; nor shall any lottery hereafter be authorized or any sale of lottery tickets allowed within this State.

Sec. 11. The people of this State, in their right of sovereignty, are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of the State; and all lands the title to which shall fail, from a defect of heirs, shall revert, or escheat to the people.

Sec. 12. All feudal tenures of every description, with all their incidents, are declared to be abolished, saving, however, all rents and services certain which at any time heretofore have been lawfully created or reserved.

Sec. 13. All lands within this State are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates.

Sec. 14. No lease or grant of agricultural land, for a longer period than twelve years, hereafter made, in which shall be reserved any rent or service of any kind, shall be valid.

Sec. 15. All fines, quarter sales, or other like restraints upon alienation reserved in any grant of land, hereafter to be made, shall be void.

Sec. 16. No purchase or contract for the sale of lands in this State made since the fourteenth day of October, one thousand seven hundred and seventy-five; or which may hereafter be made, of, or with the Indians, shall be valid, unless made under the authority, and with the consent of the Legislature.

Sec. 17. Such parts of the common law, and of the acts of the Legislature of the colony of New York, as together did form the law of the said colony, on the nineteenth day of April, one thou-



and seven hundred and seventy-five, and the resolutions of the Congress of the said colony, and of the convention of the State of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered; and such acts of the Legislature of this State as are now in force, shall be and continue the law of this State, subject to such alterations as the Legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this Constitution, are hereby abrogated; and the Legislature, at its first session after the adoption of this Constitution, shall appoint three commissioners, whose duty it shall be to reduce into a written and systematic code the whole body of the law of this State, or so much and such parts thereof as to the said commissioners shall seem practicable and expedient. And the said commissioners shall specify such alterations and amendments therein as they shall deem proper, and they shall at all times make reports of their proceedings to the Legislature, when called upon to do so; and the Legislature shall pass laws regulating the tenure of office, the filling of vacancies therein, and the compensation of the said commissioners, and shall also provide for the publication of the said code, prior to its being presented to the Legislature for adoption.

Sec. 18. All grants of land within the State, made by the king of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this Constitution shall affect any grants of land within this State, made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them, made before that day; or shall affect any such grants or charters since made by this State, or by persons acting under its authority; or shall impair the obligation of any debts contracted by the State, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

## ARTICLE II.

Section 1. Every male citizen of the age of twenty-one years who shall have been a citizen for ten days and an inhabitant of this State one year next preceding an election, and the last

four months a resident of the county and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the Legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

Sec. 2. No person who shall receive, expect or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The Legislature, at the session thereof next after the adoption of this section, shall, and from time to time thereafter may, enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime.

Sec. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or

of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house, or other asylum, at public expense; nor while confined in any public prison.

Sec. 4. Laws shall be made for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage hereby established.

Sec. 5. All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen.

### ARTICLE III.

Section 1. The legislative power of this State shall be vested in the Senate and Assembly.

Sec. 2. The Senate shall consist of thirty-two members, and the Senators shall be chosen for two years. The Assembly shall consist of one hundred and twenty-eight members, who shall be annually elected.

Sec. 3. The State shall be divided into thirty-two districts, to be called Senate districts, each of which shall choose one Senator. The districts shall be numbered from one to thirty-two inclusive.

District number one (1) shall consist of the counties of Suffolk, Richmond and Queens.

District number two (2) shall consist of the county of Kings.

Districts number three (3), number four (4), number five (5), and number six (6) shall consist of the city and county of New York. And the board of supervisors of said city and county shall, on or before the first day of May, one thousand eight hundred and forty-seven, divide the said city and county into the number of Senate districts, to which it is entitled, as near as may be of an equal number of inhabitants, excluding aliens and persons of color not taxed, and consisting of convenient and contiguous territory; and no Assembly district shall be divided in the formation of a Senate district. The board of supervisors, when they shall have completed such division, shall cause certificates thereof, stating the number and boundaries of each district and the population thereof, to be filed in the office of the Secretary of State, and of the clerk of said city and county.

District number seven (7) shall consist of the counties of Westchester, Putnam and Rockland.

District number eight (8) shall consist of the counties of Dutchess and Columbia.

District number nine (9) shall consist of the counties of Orange and Sullivan.

District number ten (10) shall consist of the counties of Ulster and Greene.

District number eleven (11) shall consist of the counties of Albany and Schenectady.

District number twelve (12) shall consist of the county of Rensselaer.

District number thirteen (13) shall consist of the counties of Washington and Saratoga.

District number fourteen (14) shall consist of the counties of Warren, Essex and Clinton.

District number fifteen (15) shall consist of the counties of St. Lawrence and Franklin.

District number sixteen (16) shall consist of the counties of Herkimer, Hamilton, Fulton and Montgomery.

District number seventeen (17) shall consist of the counties of Schoharie and Delaware.

District number eighteen (18) shall consist of the counties of Otsego and Chenango.

District number nineteen (19) shall consist of the county of Oneida.

District number twenty (20) shall consist of the counties of Madison and Oswego.

District number twenty-one (21) shall consist of the counties of Jefferson and Lewis.

District number twenty-two (22) shall consist of the county of Onondaga.

District number twenty-three (23) shall consist of the counties of Cortland, Broome and Tioga.

District number twenty-four (24) shall consist of the counties of Cayuga and Wayne.

District number twenty-five (25) shall consist of the counties of Tompkins, Seneca and Yates.

District number twenty-six (26) shall consist of the counties of Steuben and Chemung.

District number twenty-seven (27) shall consist of the county of Monroe.

District number twenty-eight (28) shall consist of the counties of Orleans, Genesee and Niagara.

District number twenty-nine (29) shall consist of the counties of Ontario and Livingston.

District number thirty (30) shall consist of the counties of Allegany and Wyoming.

District number thirty-one (31) shall consist of the county of Erie.

District number thirty-two (32) shall consist of the counties of Chautauqua and Cattaraugus.

Sec. 4. An enumeration of the inhabitants of the State shall be taken, under the direction of the Legislature, in the year one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and the said districts shall be so altered by the Legislature, at the first session after the return of every enumeration, that each Senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens, and persons of color not taxed; and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate district, except such county shall be equitably entitled to two or more Senators.

Sec. 5. The Assembly shall consist of one hundred and twenty-eight members, elected for one year. The members of Assembly shall be apportioned among the several counties of the State, by the Legislature, as nearly as may be, according to the number of their respective inhabitants, excluding aliens, and shall be chosen by single districts. The Assembly districts shall remain as at present organized, until after the enumeration of the inhabitants of the State, in the year eighteen hundred and seventy-five. The Legislature, at its first session after the return of every enumeration, shall apportion the members of Assembly among the several counties of the State, in manner aforesaid, and the board of supervisors in such counties as may be entitled under such apportionment to more than one member, except the city and county of New York, and in said city and county the board of aldermen of said city shall assemble at such time as the Legislature making such apportionment shall prescribe, and divide their respective counties into Assembly districts, each of which districts shall consist of convenient and contiguous territory equal to the number of members of Assembly to which such counties shall be entitled, and shall cause to be filed in the offices of the Secretary of State and the clerks

of their respective counties, a description of such districts, specifying the number of each district and the population thereof, according to the last preceding enumeration as near as can be ascertained, and the apportionment and districts shall remain unaltered until another enumeration shall be made as herein provided. No town shall be divided in the formation of Assembly districts. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of the Assembly, and no new county shall be hereafter erected, unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, be entitled to a member. But the Legislature may abolish the said county of Hamilton, and annex the territory thereof to some other county or counties. Nothing in this section shall prevent division at any time of counties and towns, and the erection of new towns and counties by the Legislature.

Sec. 6. Each member of the Legislature shall receive for his services an annual salary of one thousand five hundred dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

Sec. 7. No member of the Legislature shall receive any civil appointment within this State, or the Senate of the United States, from the Governor, the Governor and Senate, or from the Legislature, or from any city government, during the time for which he shall have been elected; and all such appointments and all votes given for any such member for such office or appointment shall be void.

Sec. 8. No person shall be eligible to the Legislature who, at the time of his election, is, or within one hundred days previous thereto has been, a member of Congress, a civil or military officer under the United States, or an officer under any city government. And if any person shall, after his election as a member of the

Legislature, be elected to Congress, or appointed to any office, civil or military, under the government of the United States, or under any city government, his acceptance thereof shall vacate his seat.

Sec. 9. The elections of Senators and Members of Assembly, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, unless otherwise directed by the Legislature.

Sec. 10. A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the elections, returns and qualifications of its own members; shall choose its own officers; and the Senate shall choose a temporary president, when the Lieutenant-Governor shall not attend as president, or shall act as Governor.

Sec. 11. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

Sec. 12. For any speech or debate in either house of the Legislature, the members shall not be questioned in any other place.

Sec. 13. Any bill may originate in either house of the Legislature, and all bills passed by one house may be amended by the other.

Sec. 14. The enacting clause of all bills shall be "The People of the State of New York, represented in Senate and Assembly, do enact as follows," and no law shall be enacted except by bill.

Sec. 15. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the Legislature, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal.

Sec. 16. No private or local bill, which may be passed by the Legislature, shall embrace more than one subject, and that shall be expressed in the title.

Sec. 17. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a

part of said act, or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act.

Sec. 18. The Legislature shall not pass a private or local bill in any of the following cases:

Changing the names of persons.

Laying out, opening, altering, working or discontinuing roads, highways or alleys, or for draining swamps or other low lands.

Locating or changing county seats.

Providing for changes of venue in civil or criminal cases.

Incorporating villages.

Providing for election of members of boards of supervisors.

Selecting, drawing, summoning or impaneling grand or petit jurors.

Regulating the rate of interest on money.

The opening or conducting of elections or designating places of voting.

Creating, increasing or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.

Granting to any corporation, association or individual the right to lay down railroad tracks.

Granting to any private corporation, association or individual any exclusive privilege, immunity or franchise whatever.

Providing for building bridges, and chartering companies for such purposes, except on the Hudson river below Waterford, and on the East river, or over the waters forming a part of the boundaries of the State.

The Legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which, in its judgment, may be provided for by general laws. But no law shall authorize the construction or operation of a street railroad except upon the condition that the consent of the owners of one-half in value the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained, or in case the consent of such property owners cannot be obtained, the General Term of the Supreme Court, in the district in which it is proposed to be constructed, may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested,



whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

Sec. 19. The Legislature shall neither audit nor allow any private claim or account against the State, but may appropriate money to pay such claims as shall have been audited and allowed according to law.

Sec. 20. Every law which imposes, continues or revives a tax shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

Sec. 21. On the final passage, in either house of the Legislature, of any act which imposes, continues or revives a tax, or creates a debt or charge, or makes, continues or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered upon the journals, and three-fifths of all the members elected to either house shall, in all such cases, be necessary to constitute a quorum therein.

Sec. 22. There shall be in the several counties, except in cities whose boundaries are the same as those of the county, a board of supervisors, to be composed of such members, and elected in such manner, and for such period, as is or may be provided by law. In any such city the duties and powers of a board of supervisors may be devolved upon the common council or board of aldermen thereof.

Sec. 23. The Legislature shall, by general laws, confer upon the boards of supervisors of the several counties of the State such further powers of local legislation and administration as the Legislature may, from time to time, deem expedient.

Sec. 24. The Legislature shall not, nor shall the common council of any city, nor any board of supervisors, grant any extra compensation to any public officer, servant, agent or contractor.

Sec. 25. Sections seventeen and eighteen of this article shall not apply to any bill, or the amendments to any bill, which shall be reported to the Legislature by commissioners who have been appointed pursuant to law to revise the statutes.

## ARTICLE IV.

Section 1. The executive power shall be vested in a Governor, who shall hold his office for three years; a Lieutenant-Governor shall be chosen at the same time, and for the same term. The Governor and Lieutenant-Governor elected next preceding the time when this section shall take effect shall hold office during the term for which they were elected.

Sec. 2. No person shall be eligible to the office of Governor or Lieutenant-Governor, except a citizen of the United States, of the age of not less than thirty years, and who shall have been five years, next preceding his election, a resident of this State.

Sec. 3. The Governor and Lieutenant-Governor shall be elected at the times and places of choosing members of the Assembly. The persons respectively having the highest number of votes for Governor and Lieutenant-Governor shall be elected; but in case two or more shall have an equal and the highest number of votes for Governor, or for Lieutenant-Governor, the two houses of the Legislature, at its next annual session, shall, forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for Governor or Lieutenant-Governor.

Sec. 4. The Governor shall be Commander-in-Chief of the military and naval forces of the State. He shall have power to convene the Legislature (or the Senate only) on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the Governor may recommend for consideration. He shall communicate by message to the Legislature at every session the condition of the State, and recommend such matters to them as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed. He shall receive for his services an annual salary of ten thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

Sec. 5. The Governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law

relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the Legislature each case of reprieve, commutation or pardon granted; stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve.

Sec. 6. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of his term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State, in time of war, at the head of a military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

Sec. 7. The Lieutenant-Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be president of the Senate, but shall have only a casting vote therein. If during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled, or the disability shall cease.

Sec. 8. The Lieutenant-Governor shall receive for his services an annual salary of five thousand dollars, and shall not receive or be entitled to any other compensation, fee or perquisite for any duty or service he may be required to perform by the Constitution or by law.

Sec. 9. Every bill which shall have passed the Senate and Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent together with the objections to the other house by which it shall likewise be reconsidered; and

if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the Governor. In all such cases, the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within thirty days after such adjournment. If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the Legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the Governor. All the provisions of this section, in relation to bills not approved by the Governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

#### ARTICLE V.

Section 1. The Secretary of State, Comptroller, Treasurer and Attorney-General shall be chosen at a general election, and shall hold their offices for two years. Each of the officers in this article named (except the Speaker of the Assembly) shall, at stated times, during his continuance in office, receive for his services a compensation, which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive, to his use, any fees or perquisites of office, or other compensation.

Sec. 2. A State Engineer and Surveyor shall be chosen at a general election, and shall hold his office two years, but no person shall be elected to said office who is not a practical engineer.

Sec. 3. A Superintendent of Public Works shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office until the end of the term of the Governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State Engineer and Surveyor; subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the Governor, whenever, in his judgment, the public interest shall so require; but in case of the removal of such Superintendent of Public Works from office, the Governor shall file with the Secretary of State a statement of the cause of such removal, and shall report such removal, and the cause thereof, to the Legislature at its next session. The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature, and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the Superintendent of Public Works, whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the remainder of the term for which he was appointed, by the Superintendent of Public Works; but in case of the suspension or removal of any such assistant superintendent by him, he shall at once report to the Governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension or removal by him. The office of Canal Commissioner is abolished from and after the appointment and qualification of the Superintendent of Public Works, until which time the Canal Commissioners shall continue to discharge their

duties as now provided by law. The Superintendent of Public Works shall perform all the duties of the Canal Commissioners, and Board of Canal Commissioners, as now declared by law, until otherwise provided by the Legislature. The Governor, by and with the advice and consent of the Senate, shall have power to fill vacancies in the office of Superintendent of Public Works; if the Senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the Senate.

Sec. 4. A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years, unless sooner removed; he shall give security in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of State prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerks of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which have heretofore been had and performed by the Inspectors of State Prisons; and from and after the time when such Superintendent of State Prisons shall have been appointed and qualified, the office of Inspector of State Prisons shall be and hereby is abolished. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense.

Sec. 5. The Lieutenant-Governor, Speaker of the Assembly, Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor shall be the commissioners of the land office. The Lieutenant-Governor, Secretary of State, Comptroller, Treasurer and Attorney-General shall be the commissioners of the canal fund. The canal board shall consist of the commissioners of the canal fund, the State Engineer and Surveyor and the canal commissioners.

Sec. 6. The powers and duties of the respective boards, and of the several officers in this article mentioned, shall be such as now are or hereafter may be prescribed by law.

Sec. 7. The Treasurer may be suspended from office by the Governor, during the recess of the Legislature, and until thirty days after the commencement of the next session of the Legislature, whenever it shall appear to him that such Treasurer has, in any particular, violated his duty. The Governor shall appoint a competent person to discharge the duties of the office during such suspension of the Treasurer.

Sec. 8. All offices for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever, are hereby abolished, and no such office shall hereafter be created by law; but nothing in this section contained shall abrogate any office created for the purpose of protecting the public health or the interests of the State in its property, revenue, tolls or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter.

#### ARTICLE VI.

Section 1. The Assembly shall have the power of impeachment, by a vote of the majority of all the members elected. The court for the trial of impeachments shall be composed of the president of the Senate, the Senators, or a major part of them, and the judges of the Court of Appeals, or the major part of them. On the trial of an impeachment against the Governor, the Lieutenant-Governor shall not act as a member of the court. No judicial officer shall exercise his office, after articles of impeachment against him shall have been preferred to the Senate, until he shall have been acquitted. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try the impeachment, according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust or profit, under this State; but the party impeached shall be liable to indictment and punishment according to law.

Sec. 2. There shall be a Court of Appeals, composed of a chief judge and six associate judges, who shall be chosen by the electors of the State, and shall hold their office for the term of fourteen years from and including the first day of January next

after their election. At the first election of judges, under this Constitution, every elector may vote for the chief and only four of the associate judges. Any five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have the appointment, with the power of removal, of its reporter and clerk, and of such attendants as may be necessary.

Sec. 3. When a vacancy shall occur, otherwise than by expiration of term, in the office of chief or associate judge of the Court of Appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the Governor by and with the advice and consent of the Senate, if the Senate shall be in session, or if not, the Governor alone, may appoint to fill such vacancy. If any such appointment of chief judge shall be made from among the associate judges, a temporary appointment of associate judge shall be made in like manner; but in such case, the person appointed chief judge shall not be deemed to vacate his office of associate judge any longer than until the expiration of his appointment as chief judge. The powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

Sec. 4. Upon the organization of the Court of Appeals, under this article, the causes then pending in the present Court of Appeals shall become vested in the Court of Appeals hereby established. Such of said causes as are pending on the first day of January, eighteen hundred and sixty-nine, shall be heard and determined by a commission, to be composed of five commissioners of appeals, four of whom shall be necessary to constitute a quorum; but the Court of Appeals hereby established may order any of said causes to be heard therein. Such commission shall be composed of the judges of the present Court of Appeals, elected or appointed thereto, and a fifth commissioner, who shall be appointed by the Governor, by and with the advice and consent of the Senate; or, if the Senate be not in session, by the Governor; but in such case, the appointment shall expire at the end of the next session.



Sec. 5. If any vacancy shall occur in the office of the said commissioners, it shall be filled by appointment by the Governor by and with the advice and consent of the Senate; or if the Senate is not in session, by the Governor; but in such case, the appointment shall expire at the end of the next session. The commissioners shall appoint, from their number, a chief commissioner; and may appoint and remove such attendants as may be necessary. The reporter of the Court of Appeals shall be the reporter of said commission. The decisions of the commission shall be certified to, and entered and enforced, as the judgments of the Court of Appeals. The commission shall continue until the causes committed to it are determined, but not exceeding three years; and all causes then undetermined shall be heard by the Court of Appeals.

Sec. 6. There shall be the existing Supreme Court, with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law; and it shall be composed of the justices now in office, with one additional justice, to be elected as hereinafter provided, who shall be continued during their respective terms, and of their successors. The existing judicial districts of the State are continued until changed pursuant to this section. Five of the justices shall reside in the district in which is the city of New York, and five in the second judicial district, and four in each of the other districts. The Legislature may alter the districts, without increasing the number, once after every enumeration, under this Constitution, of the inhabitants of the State. Whenever, and as often as there shall be such an accumulation of causes on the calendar of the Court of Appeals that the public interests require a more speedy disposition thereof, the said court may certify such fact to the Governor, who shall thereupon designate seven justices of the Supreme Court to act as associate judges, for the time being, of the Court of Appeals, and to form a second division of said court, and who shall act as such until all the causes upon the said calendar at the time of the making of such certificate are determined, or the judges of said court, elected as such, shall certify to the Governor that said causes are substantially disposed of, and on receiving such certificate, the Governor may declare said second division dissolved, and the designation of justices to serve thereon shall thereupon expire. The second division of said court hereby authorized to be con-

article, and their successors. The Court of Common Pleas of New York, of the three judges then in office, and their successors, and three additional judges. The Superior Court of Buffalo, of the judges now in office, and their successors; and the City Court of Brooklyn, of such number of judges, not exceeding three, as may be provided by law. The judges of said courts, in office at the adoption of this article, are continued until the expiration of their terms. A chief judge shall be appointed by the judges of each of said courts, from their own number, who shall act as such during his official term. Vacancies in the office of the judges named in this section, occurring otherwise than by expiration of term, shall be filled in the same manner as vacancies in the Supreme Court. The Legislature may provide for detaching judges of the Superior Court and Court of Common Pleas of New York, to hold Circuits and Special Terms of the Supreme Court of that city, and for detaching judges of the City Court of Brooklyn to hold Circuits and Special Terms of the Supreme Court in Kings county, as the public interest may require.

Sec. 13. Justices of the Supreme Court shall be chosen by the electors of their respective judicial districts. Judges of all courts mentioned in the last preceding section shall be chosen by the electors of the cities respectively in which said courts are instituted. The official terms of the said justices and judges who shall be elected after the adoption of this article, shall be fourteen years from and including the first day of January next after their election. But no person shall hold the office of justice or judge of any court longer than until and including the last day of December next, after he shall be seventy years of age. The compensation of every judge of the Court of Appeals and of every justice of the Supreme Court, whose term of office shall be abridged pursuant to this provision, and who shall have served as such judge or justice ten years or more, shall be continued during the remainder of the term for which he was elected.

Sec. 14. The judges and justices hereinbefore mentioned shall receive for their services a compensation to be established by law, which shall not be diminished during their official terms. Except the judges of the Court of Appeals and the justices of the Supreme Court, they shall be paid, and the expenses of their courts defrayed, by the cities or counties in which such courts are instituted, as shall be provided by law.

**Sec. 15.** The existing County Courts are continued, and the judges thereof in office at the adoption of this article shall hold their offices until the expiration of their respective terms. Their successors shall be chosen by the electors of the counties, for the term of six years. The County Court shall have the powers and jurisdiction they now possess, until altered by the Legislature. They shall also have original jurisdiction in all cases where the defendants reside in the county and in which the damages claimed shall not exceed one thousand dollars; and also such appellate jurisdiction as shall be provided by law, subject, however, to such provision as shall be made by law for the removal of causes into the Supreme Court. They shall also have such other original jurisdiction as shall, from time to time, be conferred upon them by the Legislature. The county judge, with two justices of the peace, to be designated according to law, may hold Courts of Sessions, with such criminal jurisdiction as the Legislature shall prescribe, and he shall perform such other duties as may be required by law. His salary, and the salary of the surrogate when elected as a separate officer, shall be established by law, payable out of the county treasury, and shall not be diminished during his term of office. The justices of the peace shall be paid, for services in Courts of Sessions, a per diem allowance out of the county treasury. The county judge shall also be surrogate of his county; but in counties having a population exceeding forty thousand, the Legislature may provide for the election of a separate officer to be surrogate, whose term of office shall be the same as that of the county judge. The county judge of any county may preside at Courts of Sessions, or hold County Courts, in any other county, except New York and Kings, when requested by the judge of such other county.

**Sec. 16.** The Legislature may, on application of the board of supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of county judge and of surrogate, in cases of their inability, or of a vacancy, and to exercise such other powers in special cases as may be provided by law.

**Sec. 17.** The Legislature shall provide for submitting to the electors of the State, at the general election in the year eighteen hundred and seventy-three, two questions, to be voted upon on separate ballots, as follows: First, "Shall the offices of chief judge and associate judge of the Court of Appeals, and of justice of the

Supreme Court, be hereafter filled by appointment?" If a majority of the votes upon the question shall be in the affirmative, the said officers shall not thereafter be elective, but, as vacancies occur, they shall be filled by appointment by the Governor by and with the advice and consent of the Senate; or if the Senate be not in session, by the Governor; but in such case he shall nominate to the Senate when next convened, and such appointment by the Governor alone shall expire at the end of that session. Second, "Shall the offices of the judges mentioned in sections twelve and fifteen of article six of the Constitution, be hereafter filled by appointment?" If a majority of the votes upon the question shall be in the affirmative, the said officers shall not thereafter be elective, but, as vacancies occur, they shall be filled in the manner in this section above provided.

Sec. 18. The electors of the several towns shall, at their annual town meeting, and in such manner as the Legislature may direct, elect justices of the peace, whose term of office shall be four years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the residue of the unexpired term. Their number and classification may be regulated by law. Justices of the peace, and judges or justices of inferior courts not of record and their clerks, may be removed, after due notice and an opportunity of being heard by such courts as may be prescribed by law, for causes to be assigned in the order of removal. Justices of the peace and District Court justices shall be elected in the different cities of this State, in such manner, and with such powers, and for such terms, respectively, as shall be prescribed by law; all other judicial officers in cities, whose election or appointment is not otherwise provided for in this article, shall be chosen by the electors of cities, or appointed by some local authorities thereof.

Sec. 19. Inferior local courts of civil and criminal jurisdiction may be established by the Legislature; and except as herein otherwise provided, all judicial officers shall be elected or appointed at such times, and in such manner, as the Legislature may direct.

Sec. 20. Clerks of the several counties shall be clerks of the Supreme Court, with such powers and duties as shall be prescribed by law. The clerk of the Court of Appeals shall keep his office at the seat of government. His compensation shall be fixed by law and paid out of the public treasury.

Sec. 21. No judicial officer, except justices of the peace, shall receive to his own use any fees or perquisites of office; nor shall any judge of the Court of Appeals, justice of the Supreme Court, or judge of a court of record in the cities of New York, Brooklyn or Buffalo, practice as an attorney or counselor in any court of record in this State, or act as referee.

Sec. 22. The Legislature may authorize the judgments, decrees and decisions of any court of record of original civil jurisdiction, established in a city, to be removed for review, directly into the Court of Appeals.

Sec. 23. The Legislature shall provide for the speedy publication of all statutes, and also for the appointment by the justices of the Supreme Court designated to hold General Terms, of a reporter of the decisions of that court. All laws and judicial decisions shall be free for publication by any person.

Sec. 24. The first election of judges of the Court of Appeals, and of the three additional judges of the Court of Common Pleas for the city and county of New York shall take place on such day, between the first Tuesday of April and the second Tuesday in June next after the adoption of this article, as may be provided by law. The Court of Appeals, the Commissioners of Appeals, and the additional judges of the said Court of Common Pleas, shall respectively enter upon their duties on the first Monday of July thereafter.

Sec. 25. Surrogates, justices of the peace and local judicial officers provided for in section sixteen, in office when this article shall take effect, shall hold their respective offices until the expiration of their terms.

Sec. 26. Courts of Special Sessions shall have such jurisdiction of offenses of the grade of misdemeanors as may be prescribed by law.

Sec. 27. For the relief of Surrogates' Courts, the Legislature may confer upon courts of record, in any county having a population exceeding four hundred thousand, the powers and jurisdiction of surrogates, with authority to try issues of fact by jury in probate causes.

Sec. 28. The Court of Appeals may order any of the causes, not exceeding five hundred in number, pending in that court at the time of the adoption of this provision, to be heard and deter-

mined by the Commissioners of Appeals, and the Legislature may extend the term of service of the Commissioners of Appeals, not exceeding two years. .

\*Sec. 28. The Legislature, at the first session thereof after the adoption of this amendment, shall provide for organizing in the Supreme Court not more than five General Terms thereof; and for the election at the general election next after the adoption of this amendment, by the electors of the judicial districts mentioned in this section, respectively, of not more than two justices of the Supreme Court in addition to the justices of that court now in office in the first, fifth, seventh and eighth, and not more than one justice of that court in the second, third, fourth and sixth judicial districts. The justices so elected shall be invested with their offices on the first Monday of June next after their election.

#### ARTICLE VII.

Section 1. After paying the expenses of collection, superintendence and ordinary repairs, there shall be appropriated and set apart in each fiscal year out of the revenues of the State canals, in each year, commencing on the first day of June, one thousand eight hundred and forty-six, the sum of one million and three hundred thousand dollars until the first day of June, one thousand eight hundred and fifty-five, and from that time the sum of one million and seven hundred thousand dollars in each fiscal year, as a sinking fund to pay the interest and redeem the principal of that part of the State debt called the canal debt, as it existed at the time first aforesaid, and including three hundred thousand dollars then to be borrowed, until the same shall be wholly paid; and the principal and income of the said sinking fund shall be sacredly applied to that purpose.

Sec. 2. After complying with the provisions of the first section of this article, there shall be appropriated and set apart out of the surplus revenues of the State canals, in each fiscal year, commencing on the first day of June, one thousand eight hundred and forty-six, the sum of three hundred and fifty thousand dollars, until the time when a sufficient sum shall have been appropriated and set apart under the said first section, to pay the interest and extinguish the entire principal of the canal debt; and after that period then the sum of one million and five hundred thousand dollars in each fiscal year, as a sinking fund, to pay the interest and redeem the principal of that part of the

\* So in the original.

State debt called the general fund debt, including the debt for loans of the State credit to railroad companies which have failed to pay the interest thereon, and also the contingent debt on State stocks loaned to incorporated companies which have hitherto paid the interest thereon, whenever and as far as any part thereof may become a charge on the Treasury or general fund, until the same shall be wholly paid; and the principal and income of the said last-mentioned sinking fund shall be sacredly applied to the purpose aforesaid, and if the payment of any part of the moneys to the said sinking fund shall at any time be deferred, by reason of the priority recognized in the first section of this article, the sum so deferred with quarterly interest thereon at the then current rate shall be paid to the last-mentioned sinking fund, as soon as it can be done consistently with the just rights of the creditors holding said canal debt.

Sec. 3. The first and second sections of this article having been fully complied with, no tolls shall hereafter be imposed on persons or property transported on the canals, but all boats navigating the canals, and the owners and masters thereof, shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals. The Legislature shall, annually, by equitable taxes, make provision for the expenses of the superintendence and repairs of the canals. The canal debt contracted under the section hereby amended, which on the first day of October, eighteen hundred and eighty, amounted to eight million nine hundred and eighty-two thousand two hundred dollars, shall continue to be known as the "canal debt, under article seven, section three, of the Constitution;" and the sinking fund applicable to the payment thereof, together with the contributions to be made thereto, shall continue to be known as the "canal debt sinking fund," and the principal and interest of said debt shall be met as provided in the fifth section of this article. All contracts for work or materials on any canal shall be made with the person who shall offer to do or provide the same at the lowest price, with adequate security for their performance. No extra compensation shall be made to any contractor; but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the Canal Board may, upon the application of the contractor, cancel such contract.

Sec. 4. The claims of the State against any incorporated company to pay the interest and redeem the principal of the stock of the State loaned or advanced to such company, shall be fairly enforced, and not released or compromised; and the moneys arising from such claim shall be set apart and applied as part of the sinking fund provided in the second section of this article. But the time limited for the fulfillment of any condition of any release or compromise heretofore made or provided for may be extended by law.

Sec. 5. There shall annually be imposed and levied a tax, which shall be sufficient to pay the interest and extinguish the principal of the canal debt mentioned in the third section of this article, as the same shall become due and payable, and the proceeds of such tax shall in each fiscal year be appropriated and set apart for the sinking fund constituted for the payment of the principal and the interest of the aforesaid debt. But the Legislature may, in its discretion, impose for the fiscal year beginning on the first day of October, eighteen hundred and eighty-three, a State tax on each dollar of the valuation of the property in the State which may by law then be subject to taxation, sufficient with the accumulations of the sinking fund applicable thereto, to pay in full both the principal and interest of the canal debt before mentioned, and the proceeds of such tax shall be appropriated and set apart for the sinking fund constituted for the payment of the principal and interest of said debt. In the event of such action by the Legislature, then the Legislature shall, under the law directing the assessment and levy of such tax, make such provision for the retirement of the canal debt as it shall deem equitable and just to the creditors of the State.

Sec. 6. The Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black River canal, but they shall remain the property of the State and under its management forever. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied in payment of the canal debt mentioned in the third section of this article.

Sec. 7. The Legislature shall never sell or dispose of the Salt Springs belonging to this State. The lands contiguous thereto, and which may be necessary and convenient for the use of the Salt Springs, may be sold by authority of law and under the direction of the Commissioners of the Land Office, for the purpose of



investing the moneys arising therefrom in other lands alike convenient; but by such sale and purchase the aggregate quantity of these lands shall not be diminished.

Sec. 8. No moneys shall ever be paid out of the treasury of this State, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation act; and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum.

Sec. 9. The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association or corporation.

Sec. 10. The State may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts, but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed one million of dollars; and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained, or to repay the debt so contracted, and to no other purpose whatever.

Sec. 11. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

Sec. 12. Except the debts specified in the tenth and eleventh sections of this article, no debts shall be hereafter contracted by or on behalf of this State, unless such debt shall be authorized by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within eighteen years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it, at such election. On the final passage of such bill in either house of the Legislature, the question shall be taken

by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?"

The Legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrevocable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the repayment of such debt or liability, and for no other purpose whatever. No such law shall be submitted to be voted on, within three months after its passage, or at any general election, when any other law, or any bill, or any amendment to the Constitution, shall be submitted to be voted for or against.

Sec. 13. The sinking funds provided for the payment of interest and the extinguishment of the principal of the debts of the State shall be separately kept and safely invested, and neither of them shall be appropriated or used in any manner other than for the specific purpose for which it shall have been provided.

Sec. 14. Neither the Legislature, Canal Board, Canal Appraisers, nor any person or persons acting in behalf of the State, shall audit, allow, or pay any claim which, as between citizens of the State, would be barred by lapse of time. The limitation of existing claims shall begin to run from the adoption of this section; but this provision shall not be construed to revive claims already barred by existing statutes, nor to repeal any statute fixing the time within which claims shall be presented or allowed, nor shall it extend to any claims duly presented within the time allowed by law, and prosecuted with due diligence from the time of such presentment. But if the claimant shall be under legal disability, the claim may be presented within two years after such disability is removed.

## ARTICLE VIII.

Section 1. Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the objects of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

Sec. 2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

Sec. 3. The term corporations as used in this article shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

Sec. 4. The Legislature shall, by general law, conform all charters of savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and all charters hereafter granted for such corporations shall be made to conform to such general law, and to such amendments as may be made thereto. And no such corporation shall have any capital stock, nor shall the trustees thereof, or any of them, have any interest whatever, direct or indirect, in the profits of such corporation; and no director or trustee of any such bank or institution shall be interested in any loan or use of any money or property of such bank or institution for savings. The Legislature shall have no power to pass any act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws.

Sec. 5. The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association or corporation issuing bank notes of any description.

Sec. 6. The Legislature shall provide by law for the registry of all bills or notes, issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

Sec. 7. The stockholders in every corporation and joint-stock association for banking purposes issuing bank notes or any kind

of paper credits to circulate as money, after the first day of January, one thousand eight hundred and fifty, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind, contracted after the said first day of January, one thousand eight hundred and fifty.

Sec. 8. In case of the insolvency of any bank or banking association, the billholders thereof shall be entitled to preference, in payment, over all other creditors of such bank or association.

Sec. 9. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments, and in contracting debt by such municipal corporations.

Sec. 10. Neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation or private undertaking. This section shall not, however, prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper. Nor shall it apply to any fund or property now held, or which may hereafter be held, by the State for educational purposes.

Sec. 11. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county containing a city of over one hundred thousand inhabitants, or any such city, shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for State or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as may now exist, shall be abso-

lutely void, except as herein otherwise provided. No such county or such city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this the supply of water, but the term of the bonds issued to provide for section be construed to prevent the issue of bonds to provide for the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this State, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

#### ARTICLE IX.

Section 1. The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies, and the sum of twenty-five thousand dollars of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of the said common school fund.

#### ARTICLE X.

Section 1. Sheriffs, clerks of counties, including the register and clerk of the city and county of New York, coroners and district attorneys shall be chosen by the electors of the respective counties, once in every three years and as often as vacancies shall happen. Sheriffs shall hold no other office, and be ineligible

for the next three years after the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The Governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense.

Sec. 2. All county officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of the respective counties or appointed by the boards of supervisors, or other county authorities, as the Legislature shall direct. All city, town and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof, as the Legislature shall designate for that purpose. All other officers, whose election or appointment is not provided for by this Constitution, and all officers, whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

Sec. 3. When the duration of any office is not provided by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

Sec. 4. The time of electing all officers named in this article shall be prescribed by law.

Sec. 5. The Legislature shall provide for filling vacancies in office, and in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue of such appointment longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy.

Sec. 6. The political year and legislative term shall begin on the first day of January; and the Legislature shall, every year, assemble on the first Tuesday in January, unless a different day shall be appointed by law.

Sec. 7. Provision shall be made by law for the removal for misconduct or malversation in office of all officers (except judi-

cial) whose powers and duties are not local or legislative and who shall be elected at general elections, and also for supplying vacancies created by such removal.

Sec. 8. The Legislature may declare the cases in which any office shall be deemed vacant when no provision is made for that purpose in this Constitution.

Sec. 9. No officer whose salary is fixed by the Constitution shall receive any additional compensation. Each of the other State officers named in the Constitution, shall, during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

## ARTICLE XI.

Section 1. The militia of this State shall, at all times hereafter, be armed and disciplined and in readiness for service; but all such inhabitants of this State of any religious denomination whatever as from scruples of conscience may be averse to bearing arms, shall be excused therefrom upon such conditions as shall be prescribed by law.

Sec. 2. Militia officers shall be chosen, or appointed as follows: Captains, subalterns and non-commissioned officers shall be chosen by the written votes of the members of their respective companies. Field officers of regiments and separate battalions by the written votes of the commissioned officers of the respective regiments and separate battalions; brigadier-generals and brigade inspectors by the field officers of their respective brigades; major-generals, brigadier-generals and commanding officers of regiments or separate battalions, shall appoint the staff officers to their respective divisions, brigades, regiments or separate battalions.

Sec. 3. The Governor shall nominate, and with the consent of the Senate, appoint all major-generals and the commissary-general. The adjutant-general and other chiefs of staff departments, and the aids-de-camp of the commander-in-chief, shall be appointed by the Governor, and their commissions shall expire with the time for which the Governor shall have been elected. The commissary-general shall hold his office for two years. He shall give security for the faithful execution of the duties of his office in such manner and amount as shall be prescribed by law.

Sec. 4. The Legislature shall, by law, direct the time and manner of electing militia officers, and of certifying their elections to the Governor.

Sec. 5. The commissioned officers of the militia shall be commissioned by the Governor; and no commissioned officer shall be removed from office, unless by the Senate on the recommendation of the Governor, stating the grounds on which such removal is recommended, or by the decision of a court-martial, pursuant to law. The present officers of the militia shall hold their commissions subject to removal, as before provided.

Sec. 6. In case the mode of election and appointment of militia officers hereby directed shall not be found conducive to the improvement of the militia, the Legislature may abolish the same, and provide by law for their appointment and removal, if two-thirds of the members present in each house shall concur therein.

#### ARTICLE XII.

Section 1. Members of the Legislature (and all officers, executive and judicial, except such inferior officers as shall be by law exempted) shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of \_\_\_\_\_, according to the best of my ability;" and all such officers who shall have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote," and no other oath, declaration or test shall be required as a qualification for any office of public trust.

#### ARTICLE XIII.

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate and Assembly; and if the same shall be agreed to by a majority of the members elected to



each of the two houses, such proposed amendment or amendments shall be entered on their journal, with the ayes and nays taken thereon, and referred to the Legislature to be chosen at the next general election of Senators, and shall be published for three months previous to the time of making such choice; and if in the Legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature, voting thereon, such amendment or amendments shall become part of the Constitution.

Sec. 2. At the general election to be held in the year eighteen hundred and sixty-six, and in each twentieth year thereafter, and also at such time as the Legislature may by law provide, the question, "Shall there be a convention to revise the Constitution, and amend the same?" shall be decided by the electors qualified to vote for members of the Legislature; and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a convention for such purpose, the Legislature at its next session shall provide by law for the election of delegates to such convention.

#### ARTICLE XIV.

Section 1. The first election of Senators and members of the Assembly, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and forty-seven. The Senators and members of Assembly who may be in office on the first day of January, one thousand eight hundred and forty-seven, shall hold their offices until and including the thirty-first day of December following, and no longer.

Sec. 2. The first election of Governor and Lieutenant-Governor under this Constitution shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and forty-eight; and the Governor and Lieutenant-Governor in office when this Constitution shall take effect shall hold their respective offices until and including the thirty-first day of December of that year.

Sec. 3. The Secretary of State, Comptroller, Treasurer, Attorney-General, District Attorneys, Surveyor-General, Canal Commissioners and Inspectors of State Prisons, in office when this Constitution shall take effect, shall hold their respective offices until and including the thirty-first day of December, one thousand eight hundred and forty-seven, and no longer.

Sec. 4. The first election of judges and clerk of the Court of Appeals, justices of the Supreme Court and county judges shall take place at such time between the first Tuesday of June, one thousand eight hundred and forty-seven, as may be prescribed by law. The said courts shall respectively enter upon their duties on the first Monday of July, next thereafter; but the term of office of said judges, clerk and justices, as declared by this Constitution, shall be deemed to commence on the first day of January, one thousand eight hundred and forty-eight.

Sec. 5. On the first Monday of July, one thousand eight hundred and forty-seven, jurisdiction of all suits and proceedings then pending in the present Supreme Court and Court of Chancery, and all suits and proceedings originally commenced and then pending in any Court of Common Pleas (except in the city and county of New York), shall become vested in the Supreme Court hereby established. Proceedings pending in Courts of Common Pleas, and in suits originally commenced in Justices' Courts, shall be transferred to the County Courts provided for in this Constitution, in such manner and form and under such regulations as shall be provided by law. The Courts of Oyer and Terminer hereby established shall in their respective counties have jurisdiction on and after the day last mentioned of all indictments and proceedings then pending in the present Courts of Oyer and Terminer, and also of all indictments and proceedings then pending in the present Courts of General Sessions of the Peace, except in the city of New York, and except in cases of which the Courts of Sessions hereby established may lawfully take cognizance; and of such indictments and proceedings the Courts of Sessions hereby established shall have jurisdiction on and after the day last mentioned.

Sec. 6. The Chancellor and the present Supreme Court shall, respectively, have power to hear and determine any of such suits and proceedings ready on the first Monday of July, one thousand eight hundred and forty-seven, for hearing or decision, and shall,

for their services therein, be entitled to their present rates of compensation until the first day of July, one thousand eight hundred and forty-eight, or until all such suits and proceedings shall be sooner heard and determined. Masters in Chancery may continue to exercise the functions of their office in the Court of Chancery, so long as the Chancellor shall continue to exercise the functions of his office under the provisions of this Constitution. And the Supreme Court hereby established shall also have power to hear and determine such of said suits and proceedings as may be prescribed by law.

Sec. 7. In case any vacancy shall occur in the office of Chancellor or justice of the present Supreme Court, previously to the first day of July, one thousand eight hundred and forty-eight, the Governor may nominate and, by and with the advice and consent of the Senate, appoint a proper person to fill such vacancy. Any judge of the Court of Appeals or justice of the Supreme Court, elected under this Constitution, may receive and hold such appointment.

Sec. 8. The offices of Chancellor, justice of the existing Supreme Court, Circuit Judge, Vice-Chancellor, Assistant Vice-Chancellor, judge of the existing County Courts of each county, Supreme Court Commissioner, Master in Chancery, Examiner in Chancery, and surrogate (except as herein otherwise provided), are abolished, from and after the first Monday of July, one thousand eight hundred and forty-seven (1847).

Sec. 9. The Chancellor, the justices of the present Supreme Court, and the Circuit Judges, are hereby declared to be severally eligible to any office at the first election under this Constitution.

Sec. 10. Sheriffs, clerks of counties (including the register and clerk of the city and county of New York), and justices of the peace, and coroners, in office when this Constitution shall take effect, shall hold their respective offices until the expiration of the term for which they were respectively elected.

Sec. 11. Judicial officers in office when this Constitution shall take effect may continue to receive such fees and perquisites of office as are now authorized by law, until the first day of July, one thousand eight hundred and forty-seven, notwithstanding the provisions of the twentieth section of the sixth article of this Constitution.

Sec. 12. All local courts established in any city or village, including the Superior Court, Common Pleas, Sessions and Sur-

rogates' Courts of the city and county of New York, shall remain, until otherwise directed by the Legislature, with their present powers and jurisdictions; and the judges of such courts and any clerks thereof in office on the first day of January, one thousand eight hundred and forty-seven, shall continue in office until the expiration of their terms of office, or until the Legislature shall otherwise direct.

Sec. 13. This Constitution shall be in force from and including the first day of January, one thousand eight hundred and forty-seven, except as herein otherwise provided.

#### ARTICLE XV.

Section 1. Any person holding office under the laws of this State, who, except in payment of his legal salary, fees or perquisites, shall receive or consent to receive, directly or indirectly, any thing of value or of personal advantage, or the promise thereof, for performing or omitting to perform any official act, or with the express or implied understanding that his official action or omission to act is to be in any degree influenced thereby, shall be deemed guilty of a felony. This section shall not affect the validity of any existing statute in relation to the offense of bribery.

Sec. 2. Any person who shall offer or promise a bribe to an officer, if it shall be received, shall be deemed guilty of a felony and liable to punishment, except as herein provided. No person offering a bribe shall, upon any prosecution of the officer for receiving such bribe, be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving or offering of such bribe. Any person who shall offer or promise a bribe, if it be rejected by the officer to whom it was tendered, shall be deemed guilty of an attempt to bribe, which is hereby declared to be a felony.

Sec. 3. Any person charged with receiving a bribe, or with offering or promising a bribe, shall be permitted to testify in his own behalf in any civil or criminal prosecution therefor.

Sec. 4. Any district attorney who shall fail faithfully to prosecute a person charged with the violation in his county of any provision of this article which may come to his knowledge shall be removed from office by the Governor, after due notice and an opportunity of being heard in his defense. The expenses which shall be incurred by any county, in investigating and prose-

cuting any charge of bribery or attempting to bribe any person holding office under the laws of this State, within such county, or of receiving bribes by any such person in said county, shall be a charge against the State, and their payment by the State shall be provided for by law.

ARTICLE XVI.

Section 1. All amendments to the Constitution shall be in from and including the first day of January succeeding the election at which the same were adopted, except when otherwise provided by such amendments.

Done in Convention, at the Capitol in the city of Albany the ninth day of October, in the year one thousand eight hundred and forty-six, and of the Independence of the United States of America the seventy-first.

In witness whereof, we have hereunto subscribed our names.

JOHN TRACY,

President and Delegate from County of Chenango.

JAMES F. STARBUCK,

H. W. STRONG,

FR. SEGER,

Secretaries.



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CONSTITUTION  
OF THE  
STATE OF NORTH CAROLINA.

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# CONSTITUTION OF STATE OF NORTH CAROLINA.

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## ARTICLE I.

### *Declaration of Rights.*

#### Section

1. The equality and rights of men.
2. Political power and government.
3. Internal government of the State.
4. That there is no right to secede.
5. Of allegiance to the United States government.
6. Public debt.
7. Exclusive emoluments, etc.
8. The legislative, executive and judicial powers distinct.
9. Of the power of suspending laws.
10. Elections free.
11. In criminal prosecutions.
12. Answers to criminal charges.
13. Right of jury.
14. Excessive bail.
15. General warrants.
16. Imprisonment for debt.
17. No person to be taken, etc., but by the law of the land.
18. Persons restrained of liberty.
19. Controversies at law respecting property.
20. Freedom of the press.
21. Habeas corpus.
22. Property qualifications.
23. Representation and taxation.
24. Militia and the right to bear arms.
25. Right of the people to assemble together.
26. Religious liberty.
27. Education.
28. Elections should be frequent.
29. Recurrence to fundamental principles.
30. Hereditary emoluments, etc.
31. Perpetuities, etc.
32. Ex post facto laws.
33. Slavery prohibited.

#### Section

34. State boundaries.
35. Courts shall be open.
36. Soldiers in time of peace.
37. Other rights of the people.

## ARTICLE II.

### *Legislative Department.*

1. Two branches.
2. Time of assembling.
3. Number of Senators.
4. Regulations in relation to districting the State for Senators.
5. Regulations in relation to apportionment of Representatives.
6. Ratio of representation.
7. Qualifications for Senators.
8. Qualifications for Representatives.
9. Election of officers.
10. Powers in relation to divorce and alimony.
11. Private laws in relation to the names of persons, etc.
12. Thirty days notice shall be given anterior to passage of private laws.
13. Vacancies.
14. Revenue.
15. Entails.
16. Journals.
17. Protest.
18. Officers of the house.
19. President of the Senate.
20. Other senatorial officers.
21. Style of the acts.
22. Powers of the general assembly.
23. Bills and resolutions to be read three times, etc.
24. Oath for members.
25. Term of office.
26. Yeas and nays.
27. Election for members of the general assembly.

## Section

23. Pay of officers and members of the general assembly.

23. Extra session.

## ARTICLE III.

*Executive Department.*

1. Officers of the executive department.
1. Terms of office.
2. Qualifications of Governor and Lieutenant-Governor.
3. Returns of elections.
4. Oath of office for Governor.
5. Duties of Governor.
6. Reprieves, commutations and pardons.
7. Annual reports from officers of executive department and of public institutions.
8. Commander-in-chief.
9. Extra sessions of general assembly.
10. Officers whose appointments are not otherwise provided for.
11. Duties of Lieutenant-Governor.
12. In case of impeachment of Governor or vacancy caused by death or resignation.
13. Duties of other executive officers.
14. Council of State.
15. Compensation of executive officers.
16. Seal of State.
17. Department of agriculture, immigration and statistics.

## ARTICLE IV.

*Judicial Department.*

1. Abolishes the distinctions between actions at law and suits in equity.
1. Feigned issues abolished.
2. Division of judicial powers.
3. Trial court of impeachment.
4. Impeachment.
5. Treason against the State.
6. Supreme Court Justices.
7. Terms of the Supreme Court.
8. Jurisdiction of the Supreme Court.
9. Claims against the State.

## Section

10. Judicial districts for Superior Courts.

11. Residence of judges. Rotation of judicial districts. And Special Terms.

12. Jurisdiction of courts inferior to Supreme Court.

13. In case of waiver of trial by jury.

14. Special Courts in cities.

15. Clerk of Supreme Court.

16. Election of Superior Court Clerk.

17. Terms of office.

18. Fees, salaries and emoluments.

19. What laws are and shall be in force.

20. Disposition of actions at law and suits in equity pending when this Constitution shall go into effect, etc.

21. Election, term of office, etc., of Supreme and Superior Court Judges.

22. Transaction of business in the Superior Courts.

23. Solicitors for each judicial district.

24. Sheriffs and coroners.

25. Vacancies.

26. Terms of office of first officers under this article.

27. Jurisdiction of Justices of the Peace.

28. Vacancies in office of justices.

29. Vacancies in office of Superior Court clerk.

30. Officers of other courts inferior to Supreme Court.

31. Removal of Judges of the various courts for inability.

32. Removal of clerks of the various courts for inability.

33. Amendments not to vacate existing offices.

## ARTICLE V.

*Revenue and Taxation.*

1. Capitation tax.

1. Exemptions.

2. Application of proceeds of State and county capitation tax.

Section

3. Taxation shall be by uniform rule and ad valorem.
4. Restriction upon the increase of the public debt, except in certain contingencies.
5. Property exemptions from taxation.
6. Taxes levied by County Commissioners.
7. Acts levying taxes shall state object, etc.

ARTICLE VI.

*Suffrage and Eligibility to Office.*

1. Qualifications of an elector.
2. Registration of electors.
3. Elections by people and general assembly.
4. Oath of office.
5. Disqualification for office.

*Municipal Corporations.*

1. County officers.
2. Duties of County Commissioners.
3. Counties to be divided into districts.
4. Said districts shall have corporate powers as townships.
5. Officers of townships.
6. Trustees shall assess property.
7. No debt or loan except by a majority of voters.
8. Drawing of money.
9. Taxes to be ad valorem.
10. When officers enter on duty.
11. Governor to appoint Justices.
12. Charters to remain in force until legally changed.
13. Debts in aid of the rebellion not to be paid.
14. Powers of general assembly over municipal corporations.

ARTICLE VIII.

*Corporations Other than Municipal.*

1. Corporations under general laws.
2. Debts of corporations, how secured.
3. What corporations shall include.
4. Legislatures to provide for organizing cities, towns, etc.

ARTICLE IX.

*Education.*

Section

1. Education shall be encouraged.
2. General assembly shall provide for schools.
2. Separation of the races.
3. Counties to be divided into districts.
4. What property shall be devoted to educational purposes.
5. County school funds.
5. Proviso.
6. Election of trustees and provision for maintenance of the university.
7. Benefits of the university.
8. Board of education.
9. President and secretary.
10. Power of board.
11. First session of board.
12. Quorum.
13. Expenses.
14. Agricultural department.
15. Children must attend school.

ARTICLE X.

*Homesteads and Exemptions.*

1. Exemption.
2. Homestead.
3. Homestead exempted from debt.
4. Laborer's lien.
5. Benefit of widow.
6. Property of a married female secured to her.
7. Husband may insure his life for the benefit of wife and children.
8. How deed for homestead may be made.

ARTICLE XI.

*Punishments, Penal Institutions and Public Charities.*

1. Punishments.
1. Convict labor.
1. Proviso.
2. Death punishment
3. Penitentiary.
4. Houses of correction.
5. Houses of refuge.
6. The sexes to be separated.

## Section

7. Provision for the poor and orphans.
8. Orphan houses.
9. Inebriates and idiots.
10. Deaf-mutes, blind and insane.
11. Self-supporting.

## ARTICLE XII.

*Militia.*

1. Who are liable to militia duty.
2. Organizing, etc.
3. Governor, commander-in-chief.
4. Exemptions.

## ARTICLE XIII.

*Amendments.*

1. Convention, how called.

## Section

2. How Constitution may be altered.

## ARTICLE XIV.

*Miscellaneous.*

1. Indictments.
2. Penalty for fighting duel.
3. Drawing money.
4. Mechanic's lien.
5. Governor to make appointments.
6. Seat of government.
7. Holding office.
8. Intermarriage of whites and negroes prohibited.

## PREAMBLE.

We, the people of the State of North Carolina, grateful to Almighty God, the sovereign ruler of nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution:

## ARTICLE I.

*Declaration of Rights.*

That the great, general and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare:

Section 1. That we hold it to be self-evident that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Sec. 2. That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

**Sec. 3.** That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary for their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

**Sec. 4.** That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or to sever said Nation, ought to be resisted with the whole power of the State.

**Sec. 5.** That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

**Sec. 6.** The State shall never assume to pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, express or implied, any debt or bond incurred, or issued, by authority of the convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond, incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular session of the year one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

**Sec. 7.** No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

Sec. 8. The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other.

Sec. 9. All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Sec. 10. All elections ought to be free.

Sec. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defense, and not be compelled to give evidence against himself or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Sec. 12. No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment or impeachment.

Sec. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal.

Sec. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

Sec. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

Sec. 16. There shall be no imprisonment for debt in this State, except in cases of fraud.

Sec. 17. No person ought to be taken, imprisoned, or dis-seized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the law of the land.

Sec. 18. Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

Sec. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

Sec. 20. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

Sec. 21. The privilege of the writ of habeas corpus shall not be suspended.

Sec. 22. As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to effect the right to vote or hold office.

Sec. 23. The people of the State ought not to be taxed, or made subject to the payment of any impost or duty without the consent of themselves, or their representatives in the General Assembly freely given.

Sec. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

Sec. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

Sec. 26. All men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Sec. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Sec. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held.

Sec. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Sec. 30. No hereditary emoluments, privileges or honors ought to be granted or conferred in this State.

Sec. 31. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

Sec. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no ex post facto law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

Sec. 33. Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be and are hereby forever prohibited within this State.

Sec. 34. The limits and boundaries of the State shall be and remain as they now are.

Sec. 35. All courts shall be open; and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

Sec. 36. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.

Sec. 37. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

## ARTICLE II.

### *Legislative Department.*

Section 1. The legislative authority shall be vested in two distinct branches, both dependent on the people, to wit: A Senate and House of Representatives.

Sec. 2. The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and, when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present.

Sec. 3. The Senate shall be composed of fifty Senators, biennially chosen by ballot.



Sec. 4. The Senate districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate district shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate district, unless such county shall be equitably entitled to two or more Senators.

Sec. 5. The House of Representatives shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the districts of the Senate are hereinbefore directed to be laid off.

Sec. 6. In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio, and not twice the said ratio, there shall be assigned one representative; to each county containing two but not three times the said ratio, there shall be assigned two representatives, and so on progressively, and then the remaining representatives shall be assigned severally to the counties having the largest fractions.

Sec. 7. Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district from which he is chosen, one year immediately preceding his election.

Sec. 8. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the

county for which he is chosen, for one year immediately preceding his election.

Sec. 9. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be viva voce.

Sec. 10. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Sec. 11. The General Assembly shall not have power to pass any private law or alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

Sec. 12. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such a law shall have been given, under such direction and in such manner as shall be provided by law.

Sec. 13. If vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.

Sec. 14. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly, and passed three several readings, which readings shall have been on three different days, and agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

Sec. 15. The General Assembly shall regulate entails in such manner as to prevent perpetuities.

Sec. 16. Each house shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Sec. 17. Any member of either house may dissent from and protest against, any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journal.

Sec. 18. The House of Representatives shall choose their own Speaker and other officers.

Sec. 19. The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided.

Sec. 20. The Senate shall choose its other officers and also a Speaker (pro tempore) in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor.

Sec. 21. The style of the acts shall be: "The General Assembly of North Carolina do enact."

Sec. 22. Each house shall be a judge of the qualifications and election of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two houses may also jointly adjourn to any future day or other place.

Sec. 23. All bills and resolutions of a legislative nature shall be read three times in each house, before they pass into laws; and shall be signed by the presiding officers of both houses.

Sec. 24. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

Sec. 25. The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.

Sec. 26. Upon motion made and seconded in either house by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

Sec. 27. The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections.

Sec. 28. The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of four dollars per day for each day of their session, for a period not exceeding sixty days; and

should they remain longer in session, they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two houses shall be six dollars per day and mileage. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty days.

### ARTICLE III.

#### *Executive Department.*

Section 1. The executive department shall consist of a Governor, in whom shall be vested the supreme executive power of the State, a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, and an Attorney-General, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: Provided, That the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

Sec. 2. No person shall be eligible as Governor or Lieutenant-Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

Sec. 3. The return of every election for officers of the executive department shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both houses of the General Assembly. The person having the highest num-

ber of votes respectively shall be declared duly elected; but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both houses of the General Assembly. Contested elections shall be determined by a joint ballot of both houses of the General Assembly in such manner as shall be prescribed by law.

Sec. 4. The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

Sec. 5. The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

Sec. 6. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon or reprieve, and the reasons therefor.

Sec. 7. The officers of the executive department and of the public institutions of the State, shall at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports with his message to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Sec. 8. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

Sec. 9. The Governor shall have power, on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

Sec. 10. The Governor shall nominate and, by and with the advice and consent of a majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and whose appointments are not otherwise provided for.

Sec. 11. The Lieutenant-Governor shall be president of the Senate, but shall have no vote unless the Senate be equally divided. He shall, whilst acting as president of the Senate, receive for his services the same pay which shall, for the same period, be allowed to the Speaker of the House of Representatives; and he shall receive no other compensation except when he is acting as Governor.

Sec. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in anywise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the disability shall cease, or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number president of their body; and the powers, duties and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such President.

Sec. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney-General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to appoint another until the

disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

Sec. 14. The Secretary of State, Auditor, Treasurer and Superintendent of Public Instruction shall constitute, ex officio, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum. Their advice and proceedings in this capacity shall be entered in a journal to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either house. The Attorney-General shall be, ex officio, the legal adviser of the executive department.

Sec. 15. The officers mentioned in this article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Sec. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called "The Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "the Great Seal of the State," signed by the Governor and countersigned by the Secretary of State.

Sec. 17. The General Assembly shall establish a Department of Agriculture, Immigration and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

#### ARTICLE IV.

##### *Judicial Department.*

Section 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be

abolished; and there shall be in this State but one form of action, for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the fact at issue tried by order of court before a jury.

Sec. 2. The judicial power of the State shall be vested in a court for the trial of impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other courts inferior to the Supreme Court as may be established by law.

Sec. 3. The court for the trial of impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold office in, this State; but the party shall be liable to indictment and punishment according to law.

Sec. 4. The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached, the chief justice shall preside.

Sec. 5. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Sec. 6. The Supreme Court shall consist of a chief justice and four associate justices.

Sec. 7. The terms of the Supreme Court shall be held in the city of Raleigh, as now, unless otherwise provided by the General Assembly.

Sec. 8. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdiction of said court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.



Sec. 9. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of the execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Sec. 10. The State shall be divided into nine judicial districts, for each of which a judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts.

Sec. 11. Every judge of the Superior Court shall reside in the district for which he is elected. The judges shall preside in the courts of the different districts successively, but no judge shall hold the courts in the same district oftener than once in four years; but in case of the protracted illness of the judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any judge to hold one or more specified terms in said district, in lieu of the judge assigned to hold the courts of the said district.

Sec. 12. The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court, among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers, of all the courts below the Supreme Courts, so far as the same may be done without conflict with other provisions of this Constitution.

Sec. 13. In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury, in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

Sec. 14. The General Assembly shall provide for the establishment of Special Courts, for the trial of misdemeanors, in cities and towns where the same may be necessary.

Sec. 15. The clerk of the Supreme Court shall be appointed by the court, and shall hold his office for eight years.

Sec. 16. A clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

Sec. 17. Clerks of the Superior Courts shall hold their offices for four years.

Sec. 18. The General Assembly shall prescribe and regulate the fees, salaries and emoluments of all officers provided for in this article; but the salaries of the judges shall not be diminished during their continuance in office.

Sec. 19. The laws of North Carolina, not repugnant to this Constitution, or the Constitution and laws of the United States, shall be in force until lawfully altered.

Sec. 20. Actions at law, and suits in equity, pending when this Constitution shall go into effect, shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending at the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

Sec. 21. The justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Sec. 22. The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

Sec. 23. A solicitor shall be elected for each judicial district by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four

years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his district.

Sec. 24. In each county a sheriff and coroner shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no coroner in a county, the clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section, the commissioners of the county may appoint to such office for the unexpired term.

Sec. 25. All vacancies occurring in the offices provided for by this article of the Constitution shall be filled by the appointments of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such offices shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

Sec. 26. The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

Sec. 27. The several justices of the peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to justices of the peace jurisdiction of other civil actions, wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact may be joined before a justice, on demand of either party thereto, he shall cause a jury of six men to be sum-

moned, who shall try the same. The party against whom judgment shall be rendered in any civil action, may appeal to the Superior Court from the same. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings, and file the same with the clerk of the Superior Court for his county.

Sec. 28. When the office of justice of the peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any district to elect, the clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.

Sec. 29. In case the office of clerk of a Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

Sec. 30. In case the General Assembly shall establish other courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Sec. 31. Any judge of the Supreme Court or of the Superior Courts, and the presiding officers of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both houses of the General Assembly. The judge or presiding officer, against whom the General Assembly may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon.

Sec. 32. Any clerk of the Supreme Court, or of the Superior Courts, or of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the clerk of the Supreme Courts by the judges of said court, the clerks of the Superior Courts by the judge riding the district, and the clerks of such courts inferior to the Supreme Court as may be established by law, by the presiding

officers of said courts. The clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the cause alleged for his removal at least ten days before the day appointed to act thereon, and the clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court, as provided in other cases of appeals.

Sec. 33. The amendments made to the Constitution of North Carolina by this convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State and filled or held by virtue of any election or appointment under the said Constitution and the laws of the State made in pursuance thereof.

#### ARTICLE V.

##### *Revenue and Taxation.*

Section 1. The General Assembly shall levy a capitation tax on every male inhabitant in the State over twenty-one and under fifty years of age, which shall be equal on each to the tax on property valued at three hundred dollars in cash. The commissioners of the several counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and county capitation tax combined shall never exceed two dollars on the head.

Sec. 2. The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

Sec. 3. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise; and, also, all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions, franchises, and incomes, provided that no income shall be taxed when the property from which the income is derived is taxed.

Sec. 4. Until the bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to

give or lend the credit of the State in aid of any person, association or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by the majority of those who shall vote thereon.

Sec. 5. Property belonging to the State, or to municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable or religious purposes; also, wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers; libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars.

Sec. 6. The taxes levied by the commissioners of the several counties for county purposes shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly.

Sec. 7. Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

## ARTICLE VI.

### *Suffrage and Eligibility to Office.*

Section 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years old or upward, who shall have resided in the State twelve months next preceding the election, and ninety days in the county in which he offers to vote, shall be deemed an elector. But no person, who, upon conviction or confession in open court, shall be adjudged guilty of felony, or any other crime infamous by the laws of this State, and hereafter committed, shall be deemed an elector, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

Sec. 2. It shall be the duty of the General Assembly to provide, from time to time, for the registration of all electors; and no person shall be allowed to vote without registration, or to register, without first taking an oath or affirmation to support

and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith.

Sec. 3. All elections by the people shall be by ballot, and all elections by the General Assembly shall be viva voce.

Sec. 4. Every voter, except as hereinafter provided, shall be eligible to office; but before entering upon the discharge of the duties of his office, he shall take and subscribe the following oath: "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office. So help me, God."

Sec. 5. The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God. Second, all persons who shall have been convicted of treason, perjury, or of any other infamous crime, since becoming citizens of the United States, or of corruption, or malpractice in office, unless such person shall have been legally restored to the rights of citizenship.

## ARTICLE VII.

### *Municipal Corporations.*

Section 1. In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A treasurer, register of deeds, surveyor and five commissioners.

Sec. 2. It shall be the duty of the commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The register of deeds shall be, ex officio, clerk of the board of commissioners.

Sec. 3. It shall be the duty of the commissioners first elected in each county to divide the same into convenient districts, and to report the same to the General Assembly before the first day of January, 1869.

Sec. 4. Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

Sec. 5. In each township there shall be biennially elected by the qualified voters thereof a clerk and two justices of the peace, who shall constitute a board of trustees, and shall under the supervision of the county commissioners, have control of the taxes and finances, roads, and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of the justices of the peace in cities and towns, and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a school committee, consisting of three persons, whose duties shall be prescribed by law.

Sec. 6. The township board of trustees shall assess the taxable property of their townships and make return to the county commissioners for revision, as may be prescribed by law. The clerk shall be, ex officio, treasurer of the township.

Sec. 7. No county, city, town, or other municipal corporation, shall contract any debt, pledge its faith, or loan its credit, nor shall any tax be levied or collected by any officers of the same, except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein.

Sec. 8. No money shall be drawn from any county or township treasury except by authority of law.

Sec. 9. All taxes levied by any county, city, town, or township, shall be uniform and ad valorem upon all property in the same, except property exempted by this Constitution.

Sec. 10. The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

Sec. 11. The Governor shall appoint a sufficient number of justices of the peace in each county, who shall hold their places until sections four, five and six of this article shall have been carried into effect.

Sec. 12. All charters, ordinances and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

Sec. 13. No county, city, town, or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.



Sec. 14. The General Assembly shall have full power by statute to modify, change or abrogate any and all of the provisions of this article, and substitute others in their place, except sections seven, nine and thirteen.

#### ARTICLE VIII.

##### *Corporations other than Municipal.*

Section 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the object of the corporation cannot be attained under general laws. All general laws and special acts, passed pursuant to this section, may be altered from time to time, or repealed.

Sec. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means as may be prescribed by law.

Sec. 3. The term corporation, as used in this article, shall be construed to include all associations and joint-stock companies, having any of the powers and privileges of corporations, not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued in all courts, in like cases as natural persons.

Sec. 4. It shall be the duty of the Legislature to provide for the organization of cities, towns and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

#### ARTICLE IX.

##### *Education.*

Section 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation, and otherwise, for a general and uniform system of public schools, wherein, tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race

and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of either race.

Sec. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section they shall be liable to indictment.

Sec. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, and other property, now belonging to any State fund for purposes of education; also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises, that have been or hereafter may be made to the State, and not otherwise appropriated by the State, or by the term of the grant, gift or devise, shall be paid into the State treasury; and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

Sec. 5. All moneys, stocks, bonds and other property, belonging to a county school fund; also the net proceeds from the sale of estrays; also the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties in this State. Provided, That the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

Sec. 6. The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof, in anywise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws and regulations from

time to time as may be necessary and expedient for the maintenance and management of said University.

Sec. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

Sec. 8. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction and Attorney-General, shall constitute a State board of education.

Sec. 9. The Governor shall be president, and the Superintendent of Public Instruction shall be secretary of the board of education.

Sec. 10. The board of education shall succeed to all the powers and trusts of the president and directors of the literary fund of North Carolina and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed, they shall not be re-enacted by the board.

Sec. 11. The first session of the board of education shall be held at the capital of the State, within fifteen days after the organization of the State government under this Constitution; the time of future meetings may be determined by the board.

Sec. 12. A majority of the board shall constitute a quorum for the transaction of business.

Sec. 13. The contingent expenses of the board shall be provided by the General Assembly.

Sec. 14. As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain, in connection with the University, a department of agriculture, of mechanics, of mining, and of Normal instruction.

Sec. 15. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

## ARTICLE X.

*Homesteads and Exemptions.*

Section 1. The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be and is hereby exempted from sale under execution, or other final process of any court, issued for the collection of any debt.

Sec. 2. Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution, or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for the purchase of said premises.

Sec. 3. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any one of them.

Sec. 4. The provisions of sections one and two of this article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

Sec. 5. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.

Sec. 6. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed, and with the written assent of her husband, conveyed by her as if she were unmarried.

Sec. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband, the amount thus insured shall be paid over to the

wife and children, or to the guardian, if under age, for her or their own use, free from all the claims of the representatives of her husband, or any of his creditors.

Sec. 8. Nothing contained in the foregoing sections of this article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

#### ARTICLE XI.

##### *Punishments, Penal Institutions and Public Charities.*

Section 1. The following punishments only shall be known to the laws of this State, viz.: Death, imprisonment, with or without hard labor; fines, removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works, or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape or arson: Provided, That no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of the State.

Sec. 2. The object of punishments being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only may be punishable with death, if the General Assembly shall so enact.

Sec. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's prison or penitentiary, at some central and accessible point within the State.

Sec. 4. The General Assembly may provide for the erection of houses of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

Sec. 5. A house or houses of refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders.

Sec. 6. It shall be required by competent legislation that the structures and superintendence of penal institutions of the State, the county jails, and city police prisons, secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

Sec. 7. Beneficent provision for the poor, the unfortunate and orphan, being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a board of public charities, to whom shall be intrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

Sec. 8. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated and taught some business or trade.

Sec. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

Sec. 10. The General Assembly shall provide that all the deaf-mutes, the blind and the insane of the State shall be cared for at the charge of the State.

Sec. 11. It shall be steadily kept in view by the Legislature and the board of public charities, that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

## ARTICLE XII.

### *Militia.*

Section 1. All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: Provided, That all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

Sec. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same, when called into active service.

Sec. 3. The Governor shall be commander-in-chief, and shall have power to call out the militia to execute the law, suppress riots or insurrection, and to repel invasion.

Sec. 4. The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

### ARTICLE XIII.

#### *Amendments.*

Section 1. No convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each house of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.

Sec. 2. No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each house of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such a manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.





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CONSTITUTION  
OF THE  
STATE OF NORTH DAKOTA.

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# CONSTITUTION OF STATE OF NORTH DAKOTA.

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## Preamble.

### ARTICLE I.

#### *Declaration of Rights.*

##### Section

1. All men are by nature free and have certain inalienable rights.
2. All political power is inherent in the people.
3. The State is inseparable from the Union.
4. Freedom of religious belief and worship.
5. Writ of habeas corpus.
6. Bail shall be accepted, except for capital offenses.—Bail shall not be excessive.—Witnesses shall not be unreasonably detained.
7. Right of trial by jury.
8. Offenses shall be prosecuted criminally by indictment, or information.
9. Freedom of speech.
10. The citizens have the right to assemble together in a peaceable manner for the common good.
11. All laws of a general nature shall have a uniform operation.
12. The military shall be subordinate to the civil power.
13. Right to a speedy and public trial.—No person shall be put in jeopardy twice for the same offense.
14. Private property shall not be taken for public use without just compensation.
15. In regard to imprisonment for debt.
16. No law impairing the obligations of contracts shall be passed.

##### Section

17. Slavery and involuntary servitude illegal, except as punishment for crime.
18. Unreasonable searches and seizures not tolerated.
19. Treason against the State defined.
20. Special privileges shall not be granted to a certain class of citizens which is not granted to all.
21. Provisions of this Constitution are mandatory and prohibitory.
22. Right and justice to be administered without sale or delay.
23. Malicious interfering with those in employment and those seeking it.
24. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate.

### ARTICLE II.

#### *Legislative Department.*

25. Legislative power is vested in the Senate and House of Representatives.
26. Senate to contain not less than thirty, nor more than fifty members.
27. Term of office of Senators.
28. Senator must be a qualified elector.
29. The division of the State into senatorial districts.
30. Senators divided into two classes.—Term of office of each.
31. President of Senate pro tempore.

## Section

22. House of Representatives shall contain not less than fifty, nor more than one hundred and forty members.
23. Representatives elected for two years.
24. Qualifications for Representative.
25. Beginning with 1895, and every tenth year after, an enumeration is to be made of the inhabitants of the State.
26. The House of Representatives shall elect one of its members as speaker.
27. Those who may not hold two offices.—Exceptions.
28. Those not eligible to be members of the General Assembly.
29. No member of the Legislative Assembly shall be elected, nor appointed, to any office which was created during his term of office.
40. Solicitation of bribery, penalty of.
41. When the term of office of the Assembly shall begin.
42. To be privileged from arrest during the session, except for treason, felony and breach of the peace.
43. Members may not vote on any bill in which they have a personal interest without the consent of the house.
44. Governor to fill vacancies.
45. Compensation of members.
46. A majority of the members of each house shall be a quorum.
47. Each house shall be the judge of the qualifications of its own members.
48. The powers of each house.
49. Each house shall keep a journal.
50. The sessions are to be open, except in special cases.
51. As to adjournment.
52. Senate and House shall be called the Legislative Assembly.
53. Time of meeting.
54. When shall vote viva voce.

## Section

55. Sessions to be biennial.
56. Duration of sessions.
57. Origin of bills may be in either house, and may be amended by either.
58. No law shall be passed except by a bill adopted by both houses.
59. Enacting clause of every law shall be: Be it enacted by the Legislative Assembly of the State of North Dakota.
60. When a bill for the appropriation of money may be introduced.
61. No bill to contain more than one subject.
62. The general appropriation bill to contain what.
63. Every bill shall be read three times.
64. In regard to the revision of a bill.
65. For a bill to become a law.
66. In regard to the signing of bills.
67. When legislative acts are to take effect.
68. The Legislative Assembly shall pass all laws necessary to carry into effect all the provisions of this Constitution.
69. Local or special laws not to be passed in any of the thirty-five cases enumerated.
70. In regard to general and special laws.

## ARTICLE III.

*Executive Department.*

71. Executive power vested in Governor.
72. Lieutenant-Governor to act as Governor, when.
73. Eligibility for office of Governor and Lieutenant-Governor.
74. Election of the same.
75. Governor commander-in-chief of military and naval forces.—Has power to convene Legislature.—His duties.
76. His powers.
77. Lieutenant-Governor to be president of Senate.

Section

78. Governor to fill vacancies in certain cases.
79. All bills to be presented to the Governor for his signature before becoming a law.
80. He may disapprove of any items in a bill.
81. The giving and receiving of bribes by the Governor, the penalty.
82. The choosing of other State officers, qualifications of the same and place of holding office.
83. Powers and duties of same to be prescribed by law.
84. Salaries of the same.

ARTICLE IV.

*Judicial Department.*

85. Enumeration of State courts.
86. Supreme Court shall have appellate jurisdiction only, except as provided.
87. Its powers.
88. Number of terms of.
89. To consist of three Judges.
90. Election of.
91. Term of office.
92. The Judges of Supreme Court to be classified by lot.—The one having the shortest term to be Chief Justice.
93. A clerk and reporter of Supreme Court to be appointed by the Judges of the same.
94. Requirements to be eligible for Judge of Supreme Court.
95. When the number of Judges may be increased.
96. Judges shall have no duties imposed upon them but such as are judicial.
97. The style of process, how to be.
98. Governor to fill vacancies.
99. Compensation of Judges of Supreme Court.
100. In case a Supreme Court Judge being interested in a cause, a District Court Judge shall take his place.
101. In regard to a reversed or confirmed decree.

Section

102. The court is to prepare a syllabus of the points adjudicated in each case.
103. Jurisdiction of District Court and Judges.
104. State divided into six judicial districts.
105. Enumeration of districts.
106. How judicial districts may be increased.
107. To be eligible for office of District Judge.
108. Clerk of the District Court.
109. Appeals from District to Supreme Court allowed under certain regulations.
110. County Court to be established.
111. Jurisdiction of County Court, and how it may be increased.
112. Justices of the Peace, number of, jurisdiction of.
113. Election of police magistrates.
114. Appeals.
115. The time of holding courts to be prescribed by law.
116. Judges of District Courts may hold court in other districts than their own.
117. No Judge of the Supreme or District Courts shall act as attorney or counsel-at-law.
118. Terms of courts, how fixed.
119. Judges of Supreme or District Courts may not be elected nor appointed to any other than a judicial office.
120. Tribunals of conciliation.

ARTICLE V.

*Elective Franchise.*

121. Requirements for being an elector.
122. Legislature may further extend suffrage.
123. Electors to be privileged from arrest on day of election.
124. General elections to be biennial.
125. Service under United States does not cause loss of residence.

**Section**

126. No soldier, seaman or marine of the United States shall be deemed a resident of this State in consequence of being stationed therein.
127. Those who are not qualified to vote.
128. All women who are eligible may vote on all school matters.
129. All elections by the people shall be by secret ballot.

**ARTICLE VI.***Municipal Corporations.*

130. The Legislative Assembly shall provide by general law for the organization of municipal corporations.

**ARTICLE VII.***Corporations Other Than Municipal.*

131. Charters of incorporation not to be granted, changed or amended, except in certain cases.
132. In regard to charters and grants existing before the adoption of this Constitution.
133. The Legislative Assembly shall not remit the forfeiture of a charter.
134. Rights of eminent domain shall never be abridged.
135. Rights of shareholders in voting for directors.
136. In regard to foreign corporations.
137. No corporation shall engage in any business other than that authorized in its charter.
138. For what stock or bonds may be issued by a corporation.
139. In regard to street railroads, telegraph and telephone lines.
140. Regulating railroad corporations.
141. Parallel or competing railroads may not consolidate.

**Section**

142. Rates of public carriers to be fixed by law.
143. Railroads have the right to connect with and cross one another.
144. Definition of term "corporation," as used in this article.
145. In regard to banks and issuing bills, etc.
146. Combinations formed for controlling prices illegal.

**ARTICLE VIII.***Education.*

147. Unsectarian, free public schools.
148. A uniform system to be established.
149. The kind of instruction to be given.
150. Superintendent of schools to be elected in each county.
151. The Legislative Assembly to promote education.
152. No State money to be used for the support of any sectarian school.

**ARTICLE IX.***School and Public Lands.*

153. The principal of the school fund may never be diminished.
154. The interest of this fund to be used for the support of the public schools of the State.
155. When lands granted by the United States to the State for support of common schools may be sold.
156. Who constitute "The Board of University and School Lands."
157. The board of appraisal.
158. In regard to the sale of public lands.
159. The principal of all funds donated to the State for educational or charitable purposes may never be diminished.
160. Appraisal and sale of land donated.

Section

161. State school land may be leased for a term of not more than five years.
162. How school fund money shall be invested.
163. In regard to the occupation and improvement of public lands.
164. Lands granted by the United States for other purposes than those in sections 153-159, may be sold by the State.
165. Embezzlement of school fund.

ARTICLE X.

*County and Township Organization.*

166. Counties which are added to the State.
167. Organization of new counties.—Each county must contain twenty - four congressional townships.
168. All changes of county boundaries must have approval of a majority of the electors in the county to be changed.
169. County seat, removal of the same.
170. Organizing townships.
171. County government.
172. County commissioners, not more than five nor less than three in number.
173. County officers, election of.

ARTICLE XI.

*Revenue and Taxation.*

174. Revenue for meeting the expenses of the State to be raised each year.
175. Taxation.
176. What property is exempt from taxation.
177. Improvements on land to be assessed in accordance with section 179, but plowing shall not be considered an improvement.
178. The power of taxation shall never be suspended.
179. How property shall be assessed.
180. Who must pay a poll tax.
181. Laws to be passed to carry out the provisions of this article.

ARTICLE XII.

*Public Debt and Public Works.*

Section

182. The State may contract debts not to exceed \$200,000.
183. The limit of debt not to exceed five percentum on the assessed valuation of the property in each county, township, town, or school district.
184. How the debt shall be paid.
185. The State, or any subdivision of the same, may not loan its credit.
186. No State money to be paid out except by appropriation by law.
187. The validity of a bond.

ARTICLE XIII.

*Militia.*

188. To consist of all able-bodied male persons between the ages of eighteen and forty-five years.—Exceptions.
189. To be organized as provided for by law.
190. Volunteers to be organized.
191. Appointment of militia officers.
192. Commissioned officers to be commissioned by the Governor.
193. Militia forces to be privileged from arrest except in certain cases.

ARTICLE XIV.

*Impeachment and Removal from Office.*

194. Sole power of impeachment shall be in the House of Representatives.
195. An impeachment shall be tried by the Senate.
196. Those liable to impeachment, and for what offenses.
197. All officers not liable to impeachment shall be subject to removal for misconduct.
198. No officer shall exercise duties of office after impeachment, and before his acquittal.
199. On trial of impeachment against the Governor, the Lieutenant-Governor shall not act as a member of the court.

## Section

200. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days before day set for trial.
201. Not liable to impeachment twice for same offense.

## ARTICLE XV.

*Future Amendments.*

202. How amendments may be made.

## ARTICLE XVI.

*Compact with the United States.*

203. The compact.
204. Jurisdiction is ceded to the United States over certain military reservations.
205. Acceptance of grants of land by the State from the United States.

## ARTICLE XVII.

*Miscellaneous.*

206. The name of the State shall be North Dakota.—Boundary of the same.
207. Description of the seal.
208. Rights of homestead.
209. Labor of children under twelve years not legal.
210. All flowing streams and natural water courses forever the property of the State.
211. Oath of office.
212. Exchange of "Blacklists" between corporations shall be prohibited.
213. Property rights of women.

## ARTICLE XVIII.

*Congressional and Legislative Apportionment.*

214. Apportionment into districts.

## ARTICLE XIX.

*Public Institutions.*

215. Location of the same.
216. Location of other institutions.

## ARTICLE XX.

*Prohibition.*

## Section

217. Intoxicating liquors not to be sold in the State.

## SCHEDULE

1. In regard to the change from Territorial to State government.
2. All Territorial laws now in force shall remain in force till they expire, or are repealed.
3. All fines, etc., accruing to the Territory shall accrue to the States of North and South Dakota.
4. All bonds, obligations, etc., executed to the Territory shall pass over to the State.
5. All property, credit, claims, etc., belonging to the Territory shall pass over to the States of North and South Dakota.
6. Everything pertaining to Territorial courts is to pass over to State courts.
7. The Territorial court seals are to be the State court seals till otherwise provided for by law.
8. Probate Courts.—Probate judges to act as County Court judges until the election of County Court judges.
9. Terms, "Probate Court," and "probate judges," appearing in the statutes of the Territory, after this Constitution goes into effect, shall be held to apply to the County Courts or county judges.
10. All Territorial, county and precinct officers in office at the time this Constitution takes effect shall hold their offices till their successors shall be elected.
11. This Constitution shall be in full force immediately upon the admission of this Territory as a State.



Section

12. A proclamation to be issued, calling an election by the people.
13. Election day shall then be appointed.
14. Governor, Secretary, and Chief Justice shall constitute a court of canvassers to canvass the vote of such election.
15. All officers so elected shall, within sixty days after the date of admitting the State of North Dakota into the Union, take the oath required by this Constitution.
16. Term of office of judges of the District, Courts, and other State officers.

Section

17. The Governor-elect of the State.  
— His duties.
18. Election of a representative to the Fifty-first Congress.
19. The Legislative Assembly at its first session is to provide for the payment of all debts, etc.
20. To vote for or against prohibition.
21. The agreement made between North and South Dakota.
22. In regard to illegal tax sales.
23. The signing of the Constitution.
24. Appropriation for one-half the expense of publishing Territorial reports.
25. Inauguration of State government.
26. This Constitution to be published.

PREAMBLE.

We, the people of North Dakota, grateful to Almighty God for the blessings of civil and religious liberty, do ordain and establish this Constitution.

ARTICLE I.

*Declaration of Rights.*

Section 1. All men are by nature equally free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property and reputation, and pursuing and obtaining safety and happiness.

Sec. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have a right to alter or reform the same whenever the public good may require.

Sec. 3. The State of North Dakota is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

Sec. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall be forever guaranteed in this State, and no person shall be rendered incompetent to be a witness or juror on account of his opinion on matters of religious belief; but the liberty of con-

science hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Sec. 5. The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require.

Sec. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor be confined in any room where criminals are actually imprisoned.

Sec. 7. The right of trial by jury shall be secured to all, and remain inviolate; but a jury in civil cases, in courts not of record, may consist of less than twelve men, as may be prescribed by law.

Sec. 8. Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information. The legislative assembly may change, regulate or abolish the grand jury system.

Sec. 9. Every man may freely write, speak and publish his opinions on all subjects, being responsible for the abuse of that privilege. In all civil and criminal trials for libel, the truth may be given in evidence, and shall be a sufficient defense when the matter is published with good motives and for justifiable ends; and the jury shall have the same power of giving a general verdict as in other cases; and in all indictments or informations for libels the jury shall have the right to determine the law and the facts under the direction of the court, as in other cases.

Sec. 10. The citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the powers of government for the redress of grievances, or for other proper purposes, by petition, address or remonstrance.

Sec. 11. All laws of a general nature shall have a uniform operation.

Sec. 12. The military shall be subordinate to the civil power. No standing army shall be maintained by this State in time of

peace, and no soldiers shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

Sec. 13. In criminal prosecutions in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf; and to appear and defend in person and with counsel. No person shall be twice put in jeopardy for the same offense, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law.

Sec. 14. Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation, other than municipal, until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived.

Sec. 15. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases of tort; or where there is strong presumption of fraud.

Sec. 16. No bill of attainder, ex post facto law, or law impairing the obligations of contracts, shall ever be passed.

Sec. 17. Neither slavery or involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

Sec. 18. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized.

Sec. 19. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

Sec. 20. No special privileges or immunities shall ever be granted which may be altered, revoked or repealed by the

legislative assembly; nor shall any citizen or class of citizens be granted privileges or immunities which upon the same terms shall not be granted to all citizens.

Sec. 21. The provisions of this Constitution are mandatory and prohibitory unless, by express words, they are declared to be otherwise.

Sec. 22. All courts shall be open, and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due process of law, and right and justice administered without sale, denial or delay. Suits may be brought against the State in such manner, in such courts, and in such cases, as the legislative assembly may by law direct.

Sec. 23. Every citizen of this State shall be free to obtain employment wherever possible, and any person, corporation, or agent thereof, maliciously interfering or hindering in any way any citizen from obtaining or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of misdemeanor.

Sec. 24. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

## ARTICLE II.

### *The Legislative Department.*

Sec. 25. The legislative power shall be vested in a Senate and a House of Representatives.

Sec. 26. The Senate shall be composed of not less than thirty nor more than fifty members.

Sec. 27. Senators shall be elected for the term of four years, except as hereinafter provided.

Sec. 28. No person shall be a Senator who is not a qualified elector in the district in which he may be chosen, and who shall not have attained the age of twenty-five years, and have been a resident of the State or Territory for two years next preceding his election.

Sec. 29. The legislative assembly shall fix the number of Senators, and divide the State into as many senatorial districts as there are Senators, which districts, as nearly as may be, shall be equal to each other in number of inhabitants entitled to representation. Each district shall be entitled to one Senator

and no more, and shall be composed of compact and contiguous territory; and no portion of any county shall be attached to any other county, or part thereof, so as to form a district. The districts as thus ascertained and determined shall continue until changed by law.

Sec. 30. The senatorial districts shall be numbered consecutively from one upwards, according to the number of districts prescribed, and the Senators shall be divided into two classes. Those elected in the districts designated by even numbers shall constitute one class, and those elected in districts designated by odd numbers shall constitute the other class. The Senators of one class, elected in the year 1890, shall hold their office for two years, those of the other class shall hold their office four years, and the determination of the two classes shall be by lot, so that one-half of the Senators, as nearly as practicable, may be elected biennially.

Sec. 31. The Senate, at the beginning and close of each regular session, and at such other times as may be necessary, shall elect one of its members President pro tempore, who may take the place of the Lieutenant-Governor under rules prescribed by law.

Sec. 32. The House of Representatives shall be composed of not less than fifty nor more than one hundred and forty members.

Sec. 33. Representatives shall be elected for the term of two years.

Sec. 34. No person shall be a Representative who is not a qualified elector in the district for which he may be chosen, and who shall not have attained the age of twenty-one years, and have been a resident of the State or Territory for two years next preceding his election.

Sec. 35. The members of the House of Representatives shall be apportioned to and elected at large from each senatorial district. The legislative assembly shall, in the year 1895, and every tenth year, cause an enumeration to be made of all the inhabitants of this State, and shall at its first regular session after each such enumeration, and also after each federal census, proceed to fix by law the number of Senators which shall constitute the Senate of North Dakota, and the number of Representatives which shall constitute the House of Representatives of North Dakota, within the limits prescribed by this Consti-

tution, and at the same session shall proceed to reapportion the State into senatorial districts, as prescribed by this Constitution, and to fix the number of members of the House of Representatives to be elected from the several senatorial districts: Provided, that the legislative assembly may, at any regular session, redistrict the State into senatorial districts, and apportion the Senators and Representatives respectively.

Sec. 36. The House of Representatives shall elect one of its members as Speaker.

Sec. 37. No Judge or Clerk of any court, Secretary of State, Attorney-General, Register of Deeds, Sheriff or person holding any office of profit under this State, except in the militia, or office of the Attorney-at-Law, Notary Public or Justice of the Peace, and no person holding any office of profit or honor under any foreign government, or under the government of the United States, except postmasters whose annual compensation does not exceed the sum of three hundred dollars, shall hold any office in either branch of the legislative assembly or become a member thereof.

Sec. 38. No member of the legislative assembly, expelled for corruption, and no person convicted of bribery, perjury or other infamous crime, shall be eligible to the legislative assembly, or to any office in either branch thereof.

Sec. 39. No member of the legislative assembly shall, during the term for which he was elected, be appointed or elected to any civil office in this State, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected; nor shall any member receive any civil appointment from the Governor, or Governor and Senate, during the term for which he shall have been elected.

Sec. 40. If any person elected to either house of the legislative assembly shall offer or promise to give his vote or influence in favor of, or against any measure or proposition pending or proposed to be introduced into the legislative assembly, in consideration, or upon conditions, that any other person elected to the same legislative assembly will give, or will promise or assent to give, his vote or influence in favor of or against any other measure or proposition, pending or proposed to be introduced into such legislative assembly, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the legislative assembly shall give his vote or

influence for or against any measure or proposition, pending or proposed to be introduced into such legislative assembly, or offer, promise or assent so to do upon condition that any other member will give, promise or assent to give his vote or influence in favor of or against any other such measure or proposition pending or proposed to be introduced into such legislative assembly, or in consideration that any other member hath given his vote or influence, for or against any other measure or proposition in such legislative assembly, he shall be deemed guilty of bribery. And any person, member of the legislative assembly or person elected thereto, who shall be guilty of either such offenses, shall be expelled, and shall not thereafter be eligible to the legislative assembly, and on the conviction thereof in the civil courts, shall be liable to such further penalty as may be prescribed by law.

Sec. 41. The term of service of the members of the legislative assembly shall begin on the first Tuesday in January next after their election.

Sec. 42. The members of the legislative assembly shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to or returning from the same. For words used in any speech or debate in either house, they shall not be questioned in any other place.

Sec. 43. Any member who has a personal or private interest in any measure or bill proposed or pending before the legislative assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon without the consent of the house.

Sec. 44. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the legislative assembly.

Sec. 45. Each member of the legislative assembly shall receive as a compensation for his services for each session, five dollars per day, and ten cents for every mile of necessary travel in going to and returning from the place of the meeting of the legislative assembly, on the most usual route.

Sec. 46. A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in

such a manner, and under such a penalty, as may be prescribed by law.

Sec. 47. Each house shall be the judge of the election returns and qualifications of its own members.

Sec. 48. Each house shall have the power to determine the rules of proceeding, and punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence or offers of bribes, or private solicitation, and with the concurrence of two-thirds, to expel a member; and shall have all other powers necessary and usual in the legislative assembly of a free State. But no imprisonment by either house shall continue beyond thirty days. Punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same offense.

Sec. 49. Each house shall keep a journal of its proceedings, and the yeas and nays on any question shall be taken and entered on the journal at the request of one-sixth of those present.

Sec. 50. The sessions of each house and of the committee of the whole shall be open, unless the business is such as ought to be kept secret.

Sec. 51. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting, except in case of epidemic, pestilence or other great danger.

Sec. 52. The Senate and House of Representatives jointly shall be designated as the Legislative Assembly of the State of North Dakota.

Sec. 53. The legislative assembly shall meet at the seat of government at twelve o'clock noon, on the first Tuesday after the first Monday in January, in the year next following the election of the members thereof.

Sec. 54. In all elections to be made by the legislative assembly, or either house thereof, the members shall vote viva voce, and their votes shall be entered in the journal.

Sec. 55. The sessions of the legislative assembly shall be biennial, except as otherwise provided in this Constitution.

Sec. 56. No regular sessions of the legislative assembly shall exceed sixty days, except in case of impeachment, but the first session of the legislative assembly may continue for a period of one hundred and twenty days.



Sec. 57. Any bill may originate in either house of the legislative assembly, and a bill passed by one house may be amended by the other.

Sec. 58. No law shall be passed except by a bill adopted by both houses, and no bill shall be so altered and amended on its passage through either house as to change its original purpose.

Sec. 59. The enacting clause of every law shall be as follows: Be it enacted by the Legislative Assembly of the State of North Dakota.

Sec. 60. No bill for the appropriation of money, except for the expenses of the government shall be introduced after the fortieth day of the session, except by unanimous consent of the house in which it is sought to be introduced.

Sec. 61. No bill shall embrace more than one subject, which shall be expressed in its title, but a bill which violates this provision shall be invalidated thereby only as to so much thereof as shall not be so expressed.

Sec. 62. The general appropriation bill shall embrace nothing but appropriations for the expenses of the executive, legislative and judicial departments of the State, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 63. Every bill shall be read three several times, but the first and second reading, and those only, may be upon the same day; and the second reading may be by title of the bill, unless a reading at length be demanded. The first and third readings shall be at length. No legislative day shall be shorter than the natural day.

Sec. 64. No bill shall be revised or amended, or the provisions thereof extended or incorporated in any other bill by reference to its title only, but so much thereof as is revised, amended or extended or so incorporated, shall be re-enacted and published at length.

Sec. 65. No bill shall become a law except by a vote of a majority of all the members elect in each house, nor unless, on its final passage, the vote be taken by yeas and nays, and the names of those voting be entered on the journal.

Sec. 66. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and

joint resolutions passed by the legislative assembly; immediately before such signing their title shall be publicly read and the fact of signing shall be at once entered on the journal.

Sec. 67. No act of the legislative assembly shall take effect until July 1st after the close of the session, unless in case of emergency (which shall be expressed in the preamble or body of the act), the legislative assembly shall, by a vote of two-thirds of all the members present in each house, otherwise direct.

Sec. 68. The legislative assembly shall pass all laws necessary to carry into effect the provisions of this Constitution.

Sec. 69. The legislative assembly shall not pass local or special laws in any of the following enumerated cases, that is to say:

1. For granting divorces.
2. Laying out, opening, altering or working roads or highways, vacating roads, town plats, streets, alleys or public ground.
3. Locating or changing county seats.
4. Regulating county or township affairs.
5. Regulating the practice of courts of justice.
6. Regulating the jurisdiction and duties of justices of the peace, police magistrates or constables.
7. Changing the rules of evidence in any trial or inquiry.
8. Providing for changes of venue in civil or criminal cases.
9. Declaring any person of age.
10. For limitation of civil actions, or giving effect to informal or invalid deeds.
11. Summoning or impaneling grand or petit juries.
12. Providing for the management of common schools.
13. Regulating the rate of interest on money.
14. The opening or conducting of any election or designating the place of voting.
15. The sale or mortgage of real estate belonging to minors or others under disability.
16. Chartering or licensing ferries, toll bridges or toll roads.
17. Remitting fines, penalties or forfeitures.
18. Creating, increasing or decreasing fees, percentages or allowances of public officers.
19. Changing the law of descent.
20. Granting to any corporation, association or individual the right to lay down railroad tracks, or any special or exclusive privilege, immunity of franchise whatever.

21. For the punishment of crimes.
22. Changing the names of persons or places.
23. For the assessment or collection of taxes.
24. Affecting the estates of deceased persons, minors or others under legal disabilities.
25. Extending the time for the collection of taxes.
26. Refunding money into the State treasury.
27. Relinquishing or extinguishing in whole or in part the indebtedness, liability or obligation of any corporation or person to this State, or to any municipal corporation therein.
28. Legalizing, except as against the State, the unauthorized or invalid act of any officer.
29. Exempting property from taxation.
30. Restoring to citizenship persons convicted of infamous crimes.
31. Authorizing the creation, extension or impairing of liens.
32. Creating offices, or prescribing the powers or duties of officers in counties, cities, townships, election or school districts, or authorizing the adoption or legitimation of children.
33. Incorporation of cities, towns or villages, or changing or amending the charter of any town, city or village.
34. Providing for the election of members of the board of supervisors in townships, incorporated towns or cities.
35. The protection of game or fish.

Sec. 70. In all other cases where a general law can be made applicable, no special law shall be enacted; nor shall the legislative assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed.

### ARTICLE III.

#### *Executive Department.*

Sec. 71. The executive power shall be vested in a Governor, who shall reside at the seat of government, and shall hold his office for the term of two years, and until his successor is elected and duly qualified.

Sec. 72. A Lieutenant-Governor shall be elected at the same time and for the same term as the Governor. In case of the death, impeachment, resignation, failure to qualify, absence from the State, removal from office, or the disability of the

Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability be removed, shall devolve upon the Lieutenant-Governor.

Sec. 73. No person shall be eligible to the office of Governor or Lieutenant-Governor unless he be a citizen of the United States and a qualified elector of the State, who shall have attained the age of thirty years, and who shall have resided five years next preceding the election within the State or Territory, nor shall he be eligible to any other office during the term for which he shall have been elected.

Sec. 74. The Governor and Lieutenant-Governor shall be elected by the qualified electors of the State at the time and places of choosing members of the legislative assembly. The persons having the highest number of votes for Governor and Lieutenant-Governor, respectively, shall be declared elected, but if two or more shall have an equal and highest number of votes for Governor and Lieutenant-Governor, the two houses of the legislative assembly, at its next regular session, shall forthwith by joint ballot, choose one of such persons for said office. The returns of the election for Governor and Lieutenant-Governor shall be made in such manner as shall be prescribed by law.

Sec. 75. The Governor shall be commander-in-chief of the military and naval forces of the State, except when they shall be called into the service of the United States, and may call out the same to execute the laws, suppress insurrection and repel invasion. He shall have power to convene the legislative assembly on extraordinary occasions. He shall, at the commencement of each session, communicate to the legislative assembly by message, information of the condition of the State, and recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislative assembly, and shall take care that the laws be faithfully executed.

Sec. 76. The Governor shall have power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment; but the legislative assembly may by law regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason, he shall have power to suspend the execution of sentence until

the case shall be reported to the legislative assembly at its next regular session, when the legislative assembly shall either pardon or commute the sentence, direct the execution of the sentence, or grant further reprieve. He shall communicate to the legislative assembly at each regular session each case of remission of fine, reprieve, commutation or pardon granted by him, stating the name of the convict, the crime for which he is convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve, with his reason for granting the same.

Sec. 77. The Lieutenant-Governor shall be President of the Senate, but shall have no vote, unless they be equally divided. If, during the vacancy in the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign or die, or from mental or physical disease, or otherwise, become incapable of performing the duties of his office, the Secretary of State shall act as Governor until the vacancy shall be filled or the disability removed.

Sec. 78. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution or law for filling such vacancy, the Governor shall have power to fill such vacancy by appointment.

Sec. 79. Every bill which shall have passed the legislative assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign, but if not, he shall return it, with his objections, to the house in which it originated, which shall enter the objections at large upon the journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elect shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of the members elect, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law, unless the legislative assembly, by its adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of State, within fifteen days after such adjournment.

Sec. 80. The Governor shall have power to disapprove of any item or items, or part or parts of any bill making appropriations of money or property embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items, and part or parts disapproved shall be void, unless enacted in the following manner: If the legislative assembly be in session, he shall transmit to the house in which the bill originated, a copy of the item or items, or part or parts thereof disapproved, together with his objections thereto, and the items or parts objected to shall be separately reconsidered, and each item or part shall then take the same course as is prescribed for the passage of bills over the executive veto.

Sec. 81. Any Governor of this State who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives or offers, or promises his official influence in consideration that any member of the legislative assembly shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the said Governor, will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said legislative assembly, or who threatens any member that he, the said Governor, will remove any person or persons from office or position with intent in any manner to influence the action of said member, shall be punished in the manner now or that may hereafter be provided by law, and upon conviction thereof, shall forfeit all right to hold or exercise any office of trust or honor in this State.

Sec. 82. There shall be chosen by the qualified electors of the State, at the times and places of choosing members of the legislative assembly, a Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Insurance, three Commissioners of Railroads, an Attorney-General and one Commissioner of Agriculture and Labor, who shall have attained the age of twenty-five years, shall be citizens of the United States, and shall have the qualifications of State electors.

They shall severally hold their offices at the seat of government for the term of two years, and until their successors are elected and duly qualified, but no person shall be eligible to the office of Treasurer for more than two consecutive terms.

Sec. 83. The powers and duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioners of Insurance, Commissioners of Railroads, Attorney-General and Commissioner of Agriculture and Labor, shall be as prescribed by law.

Sec. 84. Until otherwise provided by law, the Governor shall receive an annual salary of \$3,000; the Lieutenant-Governor shall receive an annual salary of \$1,000; the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Insurance, Commissioners of Railroads and Attorney-General shall each receive an annual salary of \$2,000; the salary of the Commissioner of Agriculture and Labor shall be as prescribed by law, but the salaries of any of the said officers shall not be increased or diminished during the period for which they shall have been elected, and all fees and profits arising from any of the said offices shall be covered into the State treasury.

#### ARTICLE IV.

##### *Judicial Department.*

Sec. 85. The judicial power of the State of North Dakota shall be vested in a Supreme Court, District Courts, County Courts, Justices of the Peace, and in such other courts as may be created by law for cities, incorporated towns and villages.

Sec. 86. The Supreme Court, except as otherwise provided in this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, and shall have a general superintending control over all inferior courts under such regulations and limitations as may be prescribed by law.

Sec. 87. It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction, and such other original and remedial writs as may be necessary to the proper exercise of its jurisdiction, and shall have authority to hear and determine the same: Provided, however, that no jury trials shall be allowed in said Supreme Court, but in proper cases questions of fact may be sent by said court to a District Court for trial.

Sec. 88. Until otherwise provided by law, three terms of the Supreme Court shall be held each year, one at the seat of government, one at Fargo, in the county of Cass, and one at Grand Forks, in the county of Grand Forks.

Sec. 89. The Supreme Court shall consist of three Judges, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said Judges may adjourn the court from day to day or to a day certain.

Sec. 90. The Judges of the Supreme Court shall be elected by the qualified electors of the State at large, and except as may be otherwise provided herein for the first election for Judges under this Constitution, said Judges shall be elected at general elections.

Sec. 91. The term of office of the Judges of the Supreme Court, except as in this article otherwise provided, shall be six years, and they shall hold their offices until their successors are duly qualified.

Sec. 92. The Judges of the Supreme Court shall, immediately after the first election under this Constitution, be classified by lot, so that one shall hold his office for the term of three years, one for the term of five years and one for the term of seven years from the first Monday in December, A. D. 1889. The lots shall be drawn by the Judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the Secretary of the Territory, and filed in his office, unless the Secretary of State of North Dakota shall have entered upon the duties of his office, in which event said certification shall be filed therein. The Judge having the shortest term to serve, not holding his office by election or appointment to fill a vacancy, shall be Chief Justice, and shall preside at all terms of the Supreme Court, and in case of his absence, the Judge having in like manner the next shortest term to serve, shall preside in his stead.

Sec. 93. There shall be a Clerk and also a Reporter of the Supreme Court, who shall be appointed by the Judges thereof, and who shall hold their offices during the pleasure of said Judges, and whose duties and emoluments shall be prescribed by law, and by rules of the Supreme Court not inconsistent with law. The legislative assembly shall make provisions for the publication and distribution of the decisions of the Supreme Court, and for the sale of the published volumes thereof.



Sec. 94. No person shall be eligible to the office of Judge of the Supreme Court unless he be learned in the law, be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this State or Territory of Dakota three years next preceding his election.

Sec. 95. Whenever the population of the State of North Dakota shall equal 600,000, the legislative assembly shall have the power to increase the number of the judges of the Supreme Court to five, in which event a majority of said court, as thus increased, shall constitute a quorum.

Sec. 96. No duties shall be imposed by law upon the Supreme Court or any of the Judges thereof, except such as are judicial, nor shall any of the Judges thereof exercise any power of appointment except as herein provided.

Sec. 97. The style of all process shall be "The State of North Dakota." All prosecutions shall be carried on in the name and by the authority of the State of North Dakota, and conclude "against the peace and dignity of the State of North Dakota."

Sec. 98. Any vacancy happening by death, resignation or otherwise in the office of Judge of the Supreme Court, shall be filled by appointment by the Governor, which appointment shall continue until the first general election thereafter, when said vacancy shall be filled by election.

Sec. 99. The Judges of the Supreme and District Courts shall receive such compensation for their services as may be prescribed by law, which compensation shall not be increased or diminished during the term for which a Judge shall have been elected.

Sec. 100. In case a Judge of the Supreme Court shall be in any way interested in a cause brought before said court, the remaining Judges of said court shall call one of the District Judges to sit with them on the hearing of said cause.

Sec. 101. When a judgment or decree is reversed or confirmed by the Supreme Court, every point fairly arising upon the record of the case shall be considered and decided, and the reasons therefor shall be concisely stated in writing, signed by the Judges concurring, filed in the office of the Clerk of the Supreme Court, and preserved with a record of the case. Any Judge dissenting therefrom, may give the reasons of his dissent in writing over his signature.

Sec. 102. It shall be the duty of the court to prepare a syllabus of the points adjudicated in each case, which shall be concurred in by a majority of the Judges thereof, and it shall be prefixed to the published reports of the case.

*District Courts.*

Sec. 103. The District Court shall have original jurisdiction, except as otherwise provided in this Constitution, of all causes both at law and equity, and such appellate jurisdiction as may be conferred by law. They and the Judges thereof shall also have jurisdiction and power to issue writs of habeas corpus, quo warranto, certiorari, injunction and other original and remedial writs, with authority to hear and determine the same.

Sec. 104. The State shall be divided into six judicial districts, in each of which there shall be elected at general elections, by the electors thereof, one Judge of the District Court therein, whose term of office shall be four years from the first Monday in January succeeding his election, and until his successor is duly qualified. This section shall not be construed as governing the first election of District Judges under this Constitution.

Sec. 105. Until otherwise provided by law, said districts shall be constituted as follows:

District No. 1 shall consist of the counties of Pembina, Cavalier, Walsh, Nelson and Grand Forks.

District No. 2 shall consist of the counties of Ramsey, Towner, Benson, Pierce, Rolette, Bottineau, McHenry, Church, Renville, Ward, Stevens, Mountrail, Garfield, Flannery and Buford.

District No. 3 shall consist of the counties of Cass, Steele and Traill.

District No. 4 shall consist of the counties of Richland, Ransom, Sargent, Dickey and McIntosh.

District No. 5 shall consist of the counties of Logan, La Moure, Stutsman, Barnes, Wells, Foster, Eddy and Griggs.

District No. 6 shall consist of the counties of Burleigh, Emmons, Kidder, Sheridan, McLean, Morton, Oliver, Mercer, Williams, Stark, Hettinger, Bowman, Billings, McKenzie, Dunn, Wallace and Allred, and that portion of the Sioux Indian reservation lying north of the seventh standard parallel.

Sec. 106. The legislative assembly may, whenever two-thirds of the members of each house shall concur therein, but not oftener than once in four years, increase the number of said

judicial districts and the Judges thereof; such districts shall be formed from compact territory and bounded by county lines, but such increase or change in the boundaries of the districts shall not work the removal of any judge from his office during the term for which he may have been elected or appointed.

**Sec. 107.** No person shall be eligible to the office of District Judge unless he be learned in the law, be at least twenty-five years of age, and a citizen of the United States, nor unless he shall have resided within the State or Territory of Dakota at least two years next preceding his election, nor unless he shall at the time of his election be an elector within the judicial district for which he is elected.

**Sec. 108.** There shall be a Clerk of the District Court in each organized county in which a court is holden, who shall be elected by the qualified electors of the county, and shall hold his office for the same term as other county officers. He shall receive such compensation for his services as may be prescribed by law.

**Sec. 109.** Writs of error and appeals may be allowed from the decisions of the District Courts to the Supreme Court under such regulations as may be prescribed by law.

#### *County Courts.*

**Sec. 110.** There shall be established in each county a County Court, which shall be a court of record, open at all times, and holden by one Judge elected by the electors of the county, and whose term of office shall be two years.

**Sec. 111.** The County Court shall have exclusive original jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of the accounts of executors, administrators and guardians, the sale of lands by executors, administrators and guardians, and such other probate jurisdiction as may be conferred by law: Provided, that whenever the voters of any county having a population of 2,000 or over shall decide by a majority vote that they desire the jurisdiction of said court increased above that limited by this Constitution, then said County Courts shall have concurrent jurisdiction with the District Courts in all civil actions where the amount in controversy does not exceed \$1,000, and in all criminal actions below the grade of felony, and in case it is decided by the voters of any county to so increase the jurisdiction of said County Court, the jurisdiction in cases of misde-

meanors arising under State laws which may have been conferred upon police magistrates, shall cease. The qualifications of the judge of the County Court in counties where the jurisdiction of said court shall have been increased, shall be the same as those of the District Judge, except that he shall be a resident of the county at the time of his election, and said County Judge shall receive such salary for his services as may be provided by law. In case the voters of any county decide to increase the jurisdiction of said County Courts, then such jurisdiction as thus increased shall remain until otherwise provided by law.

*Justices of the Peace.*

Sec. 112. The legislative assembly shall provide by law for the election of Justices of the Peace in each organized county within the State. But the number of said Justices to be elected in each organized county shall be limited by law to such a number as shall be necessary for the proper administration of justice. The Justices of the Peace herein provided for shall have concurrent jurisdiction with the District Court in all civil actions when the amount in controversy, exclusive of costs, does not exceed \$200, and in counties where no County Court with criminal jurisdiction exists, they shall have such jurisdiction to hear and determine cases of misdemeanor as may be provided by law, but in no case shall said Justices of the Peace have jurisdiction when the boundaries of or title to real estate shall come in question. The legislative assembly shall have power to abolish the office of Justice of the Peace and confer that jurisdiction upon Judges of County Courts, or elsewhere.

*Police Magistrates*

Sec. 113. The legislative assembly shall provide by law for the election of Police Magistrates in cities, incorporated towns and villages, who in addition to their jurisdiction of all cases arising under the ordinances of said cities, towns and villages, shall be ex officio Justices of the Peace of the county in which said cities, towns and villages may be located. And the legislative assembly may confer upon said Police Magistrates the jurisdiction to hear, try and determine all cases of misdemeanors, and the prosecutions therein shall be by information.

Sec. 114. Appeals shall lie from the County Court, final decisions of Justices of the Peace and Police Magistrates, in such cases and pursuant to such regulations as may be prescribed by law.

*Miscellaneous.*

Sec. 115. The time of holding courts in the several counties of a district shall be as prescribed by law, but at least two terms of the District Court shall be held annually in each organized county, and the legislative assembly shall make provisions for attaching unorganized counties or territories to organized counties for judicial purposes.

Sec. 116. Judges of the District Courts may hold court in other districts than their own under such regulations as shall be prescribed by law.

Sec. 117. No Judge of the Supreme or District Court shall act as attorney or counselor-at-law.

Sec. 118. Until the legislative assembly shall provide by law for fixing the terms of courts, the Judges of the Supreme and District Courts shall fix the terms thereof.

Sec. 119. No Judge of the Supreme or District Court shall be elected or appointed to any other than judicial offices, or be eligible thereto, during the term for which he was elected or appointed such Judge. All votes or appointments for either of them for any elective or appointive office, except that of Judge of the Supreme Court or District Court, given by the legislative assembly or the people, shall be void.

Sec. 120. Tribunals of conciliation may be established with such powers and duties as shall be prescribed by law, or the powers and duties of such may be conferred upon other courts of justice; but such tribunals or other courts, when sitting as such, shall have no power to render judgments to be obligatory on the parties, unless they voluntarily submit their matters of difference and agree to abide the judgment of such tribunals or courts.

**ARTICLE V.***Elective Franchise.*

Sec. 121. Every male person of the age of twenty-one years or upwards belonging to either of the following classes, who shall have resided in the State one year, in the county six months, and in the precinct ninety days next preceding any election, shall be deemed a qualified elector at such election:

First — Citizen of the United States.

Second — Persons of foreign birth who shall have declared their intention to become citizens one year and not more than

six years prior to such election, conformably to the naturalization laws of the United States.

Third — Civilized persons of Indian descent who shall have severed their tribal relations two years next preceding such election.

Sec. 122. The legislative assembly shall be empowered to make further extensions of suffrage hereafter, at its discretion, to all citizens of mature age and sound mind, not convicted of crime, without regard to sex; but no law extending or restricting the right of suffrage shall be in force until adopted by a majority of the electors of the State voting at a general election.

Sec. 123. Electors shall in all cases except treason, felony, breach of the peace or illegal voting, be privileged from arrest on the days of election during their attendance at, going to and returning from such election, and no elector shall be obliged to perform military duty on the day of election except in time of war or public danger.

Sec. 124. The general elections of the State shall be biennial, and shall be held on the first Tuesday after the first Monday in November: Provided, that the first general election under this Constitution shall be held on the first Tuesday after the first Monday in November, A. D. 1890.

Sec. 125. No elector shall be deemed to have lost his residence in this State by reason of his absence on business of the United States, or of this State, or in the military or naval service of the United States.

Sec. 126. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of his being stationed therein.

Sec. 127. No person who is under guardianship non compos mentis or insane, shall be qualified to vote at any election, nor shall any person convicted of treason or felony, unless restored to civil rights.

Sec. 128. Any woman having qualifications enumerated in section 121 of this article as to age, residence and citizenship, and including those now qualified by the laws of the Territory, may vote for all school officers, and upon all questions pertaining solely to school matters, and be eligible to any school office.

Sec. 129. All elections by the people shall be by secret ballot, subject to such regulations as shall be provided by law.

## ARTICLE VI.

*Municipal Corporations.*

Sec. 130. The legislative assembly shall provide by general law for the organization of municipal corporations, restricting their powers as to levying taxes and assessments, borrowing money and contracting debts, and money raised by taxation, loan or assessment for any purpose shall not be diverted to any other purpose except by authority of law.

## ARTICLE VII.

*Corporations Other Than Municipal.*

Sec. 131. No charter of incorporation shall be granted, changed or amended by special law, except in the case of such municipal, charitable, educational, penal or reformatory corporations as may be under the control of the State; but the legislative assembly shall provide by general laws for the organization of all corporations hereafter to be created, and any such law, so passed, shall be subject to future repeal or alteration.

Sec. 132. All existing charters or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place, and business been commenced in good faith at the time this Constitution takes effect, shall thereafter have no validity.

Sec. 133. The legislative assembly shall not remit the forfeiture of the charter to any corporation now existing, nor alter or amend the same, nor pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

Sec. 134. The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the legislative assembly from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of this State shall never be abridged, or so construed as to permit corporations to conduct their business in such a manner as to infringe the equal rights of individuals or the general well-being of the State.

Sec. 135. In all elections for directors or managers of a corporation each member or shareholder may cast the whole number

of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

Sec. 136. No foreign corporation shall do business in this State without having one or more places of business and an authorized agent or agents in the same, upon whom process may be served.

Sec. 137. No corporation shall engage in any business other than that expressly authorized in its charter.

Sec. 138. No corporation shall issue stock or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void.

The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting to be held after sixty days' notice, given in pursuance of law.

Sec. 139. No law shall be passed by the legislative assembly granting the right to construct and operate a street railroad, telegraph, telephone or electric light plant within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied for such purposes.

Sec. 140. Every railroad corporation organized and doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in the State for the transaction of its business, where transfers of its stock shall be made, and in which shall be kept for public inspection books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock and the amount owned by them respectively; the amount of stock paid in and by whom, and the transfers of said stock; the amount of its assets and liabilities, and the names and place of residence of its officers. The directors of every railroad corporation shall annually make a report, under oath, to the auditor of public accounts, or some officer or officers to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the legislative assembly shall pass laws enforcing by suitable penalties the provisions of this section: Provided, the provisions of this section shall not be so construed as to apply to foreign corporations.



Sec. 141. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given at least sixty days to all stockholders, in such manner as may be provided by law. Any attempt to evade the provisions of this section, by any railroad corporation, by lease or otherwise, shall work a forfeiture of its charter.

Sec. 142. Railways heretofore constructed or that may hereafter be constructed in this State, are hereby declared public highways, and all railroad, sleeping car, telegraph, telephone and transportation companies of passengers, intelligence and freight, are declared to be common carriers and subject to legislative control; and the legislative assembly shall have power to enact laws regulating and controlling the rates of charges for the transportation of passengers, intelligence and freight, as such common carriers, from one point to another in the State: Provided, that appeal may be had to the courts of this State from the rates so fixed; but the rates fixed by the legislative assembly or board of railroad commissioners shall remain in force pending the decision of the courts.

Sec. 143. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within the State, and to connect at the State line with the railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other; and shall receive and transport each other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

Sec. 144. The term "corporation," as used in this article, shall not be understood as embracing municipalities or political divisions of the State, unless otherwise expressly stated, but it shall be held and construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships.

Sec. 145. If a general banking law be enacted, it shall provide for the registry and countersigning by an officer of the State, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the State Treasurer for the redemption of such notes or bills.

Sec. 146. Any combination between individuals, corporations, associations, or either, having for its object or effect the controlling of the price of any product of the soil or any article of manufacture or commerce, or the cost of exchange or transportation, is prohibited and hereby declared unlawful and against public policy, and any and all franchises heretofore granted or extended or that may hereafter be granted or extended in this State, whenever the owner or owners thereof violate this article, shall be deemed annulled and become void.

#### ARTICLE VIII.

##### *Education.*

Sec. 147. A high degree of intelligence, patriotism, integrity and morality on the part of every voter in a government by the people being necessary in order to insure the continuance of that government, and the prosperity and happiness of the people, the legislative assembly shall make provisions for the establishment and maintenance of a system of public schools which shall be open to all children of the State of North Dakota, and free from sectarian control. The legislative requirement shall be irrevocable, without the consent of the United States and the people of North Dakota.

Sec. 148. The legislative assembly shall provide at its first session after the adoption of this Constitution, for a uniform system of free public schools throughout the State; beginning with the primary and extending through all grades up to and including the normal and collegiate course.

Sec. 149. In all schools instruction shall be given as far as practicable in those branches of knowledge that tend to impress upon the mind the vital importance of truthfulness, temperance, purity, public spirit, and respect for honest labor of every kind.

Sec. 150. A superintendent of schools for each county shall be elected every two years, whose qualifications, duties, powers and compensation shall be fixed by law.

Sec. 151. The legislative assembly shall take such other steps as may be necessary to prevent illiteracy, secure a reasonable degree of uniformity in course of study and to promote industrial, scientific and agricultural improvement.

Sec. 152. All colleges, universities and other educational institutions, for the support of which lands have been granted to this State, or which are supported by a public tax, shall remain under

the absolute and exclusive control of the State. No money raised for the support of the public schools of the State shall be appropriated to or used for the support of any sectarian school.

## ARTICLE IX.

### *School and Public Lands.*

Sec. 153. All proceeds of the public lands that have heretofore been, or may hereafter be granted by the United States for the support of the common schools in this State; all such per centum as may be granted by the United States on the sale of public lands; the proceeds of property that shall fall to the State by escheat; the proceeds of all gifts and donations to the State for common schools, or not otherwise appropriated by the terms of the gift, and all other property otherwise acquired for common schools, shall be and remain a perpetual fund for the maintenance of the common schools of the State. It shall be deemed a trust fund, the principal of which shall forever remain inviolate and may be increased, but never diminished. The State shall make good all losses thereof.

Sec. 154. The interest and income of this fund, together with the net proceeds of all fines for violation of State laws, and all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the common schools of the State, and shall be for this purpose apportioned among and between all the several common school corporations of the State in proportion to the number of children in each of school age, as may be fixed by law, and no part of the fund shall ever be diverted, even temporarily, from this purpose, or used for any other purpose whatever than the maintenance of common schools for the equal benefit of all the people of the State: Provided, however, that if any portion of the interest or income aforesaid be not expended during any year, said portion shall be added to and become a part of the school fund.

Sec. 155. After one year from the assembling of the first legislative assembly, the lands granted to the State from the United States for the support of the common schools, may be sold upon the following conditions, and no other: No more than one-fourth of all such lands shall be sold within the first five years after the same become salable by virtue of this section. No more than one-half of the remainder within ten years after

the same become salable as aforesaid. The residue may be sold at any time after the expiration of said ten years. The legislative assembly shall provide for the sale of all school lands subject to the provisions of this article. The coal lands of the State shall never be sold, but the legislative assembly may by general law provide for leasing the same; the words "coal lands" shall include lands bearing lignite coal.

Sec. 156. The Superintendent of Public Instruction, Governor, Attorney-General, Secretary of State and State Auditor shall constitute a board of commissioners, which shall be denominated the "Board of University and School Lands," and subject to the provisions of this article and any law that may be passed by the legislative assembly, said board shall have control of the appraisement, sale, rental and disposal of all school and university lands, and shall direct the investment of the funds arising therefrom in the hands of the State Treasurer, under the limitations of section 160 of this article.

Sec. 157. The county superintendent of common schools, the chairman of the county board and the county auditor, shall constitute boards of appraisal, and under the authority of the State Board of University and School Lands, shall appraise all school lands within their respective counties, which they may from time to time recommend for sale at their actual value, under the prescribed terms, and shall first select and designate for sale the most valuable lands.

Sec. 158. No land shall be sold for less than the appraised value, and in no case for less than ten dollars per acre. The purchaser shall pay one-fifth of the price in cash, and the remaining four-fifths as follows: One-fifth in five years, one-fifth in ten years, one-fifth in fifteen years and one-fifth in twenty years, with interest at the rate of not less than six per centum, payable annually in advance. All sales shall be held at the county seat of the county in which the land to be sold is situate, and shall be at public auction, and to the highest bidder, after sixty days' advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold, and one at the seat of government. Such lands as shall not have been specially subdivided shall be offered in tracts of one-quarter section, and those so subdivided in the smallest subdivision. All lands designated for sale and not sold within two years after appraisal shall be reap-

praised before they are sold. No grant or patent for any such lands shall issue until payment is made for the same: Provided, that the lands contracted to be sold by the State shall be subject to taxation from the date of such contract. In case the taxes assessed against any of said lands for any year remain unpaid until the first Monday in October of the following year, then and thereupon the contract of sale for such lands shall become null and void.

Sec. 159. All land, money or other property donated, granted or received from the United States or any other source for a university, school of mines, reform school, agricultural college, deaf and dumb asylum, normal school or other educational or charitable institution or purpose, and the proceeds of all such lands and other property so received from any source, shall be and remain perpetual funds, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and applied to the specific objects of the original grants or gifts. The principal of every such fund may be increased, but shall never be diminished, and the interest and income only shall be used. Every fund shall be deemed a trust fund held by the State, and the State shall make good all losses thereof.

Sec. 160. All land mentioned in the preceding section shall be appraised and sold in the same manner and under the same limitations and subject to all the conditions as to price and sale as provided above for the appraisal and sale of lands for the benefit of common schools; but a distinct and separate account shall be kept by the proper officers of each of said funds: Provided that the limitations as to the time in which school land may be sold shall apply only to lands granted for the support of common schools.

Sec. 161. The legislative assembly shall have authority to provide by law for the leasing of lands granted to the State for educational and charitable purposes; but no such law shall authorize the leasing of said lands for a longer period than five years. Said lands shall only be leased for pasturage and meadow purposes and at a public auction after notice as heretofore provided in case of sale: Provided, that all of said school lands now under cultivation may be leased at the discretion and under the control of the Board of University and School Lands, for other

than pasturage and meadow purposes until sold. All rents shall be paid in advance.

Sec. 162. The moneys of the permanent school fund and other educational funds shall be invested only in bonds of school corporations within the State, bonds of the United States, bonds of the State of North Dakota, or in first mortgages on farm lands in the State, not exceeding in amount one-third of the actual value of any subdivision on which the same may be loaned, such value to be determined by the board of appraisers of school lands.

Sec. 163. No law shall ever be passed by the legislative assembly granting to any person, corporation or association any privileges by reason of the occupation, cultivation or improvement of any public lands by said person, corporation or association subsequent to the survey thereof by the general government. No claim for the occupation, cultivation or improvement of any public lands shall ever be recognized, nor shall such occupation, cultivation or improvement of any public lands ever be used to diminish either directly or indirectly the purchase-price of said lands.

Sec. 164. The legislative assembly shall have authority to provide by law for the sale or disposal of all public lands that have been heretofore or may hereafter be granted by the United States to the State for purposes other than set forth and named in sections 153 and 159 of this article. And the legislative assembly, in providing for the appraisement, sale, rental and disposal of the same shall not be subject to the provisions and limitations of this article.

Sec. 165. The legislative assembly shall pass suitable laws for the safe-keeping, transfer and disbursement of the State school funds; and shall require all officers charged with the same or the safe-keeping thereof to give ample bonds for all moneys and funds received by them, and if any of said officers shall convert to his own use in any manner or form, or shall loan with or without interest or shall deposit in his own name, or otherwise than in the name of the State of North Dakota, or shall deposit in any banks or with any person or persons, or exchange for other funds or property any portion of the school funds aforesaid, or purposely allow any portion of the same to remain in his own hands uninvested except in the manner prescribed by law, every such act shall constitute an embezzlement of so much of the aforesaid school funds as shall be thus taken

or loaned, or deposited, or exchanged, or withheld, and shall be a felony; and any failure to pay over, produce or account for, the State school funds or any part of the same intrusted to any such officer, as by law required or demanded, shall be held and be taken to be prima facie evidence of such embezzlement.

## ARTICLE X.

### *County and Township Organization.*

Sec. 166. The several counties in the Territory of Dakota lying north of the seventh standard parallel, as they now exist, are hereby declared to be counties of the State of North Dakota.

Sec. 167. The legislative assembly shall provide by general law for organizing new counties, locating the county seats thereof temporarily, and changing county lines; but no new county shall be organized, nor shall any organized county be so reduced as to include an area of less than twenty-four congressional townships, and containing a population of less than 1,000 bona fide inhabitants. And in the organization of new counties and in changing the lines of organized counties and boundaries of congressional townships, natural boundaries shall be observed as nearly as may be.

Sec. 168. All changes in the boundaries of organized counties before taking effect shall be submitted to the electors of the county or counties to be affected thereby, at a general election, and be adopted by a majority of all the legal votes cast in each county at such election; and in case any portion of an organized county is stricken off and added to another, the county to which such portion is added shall assume and be holden for an equitable proportion of the indebtedness of the county so reduced.

Sec. 169. The legislative assembly shall provide by general law for changing county seats in organized counties, but it shall have no power to remove the county seat of any organized county.

Sec. 170. The legislative assembly shall provide by general law for township organization under which any county may organize whenever a majority of all the legal voters of such county, voting at a general election, shall so determine; and whenever any county shall adopt township organization, so much of this Constitution as provides for the management of the fiscal concerns of said county by the board of county commissioners may be dispensed with by a majority vote of the people

voting at any general election; and the affairs of said county may be transacted by the chairman of the several township boards of said county, and such others as may be provided by law for incorporated cities, towns or villages within such county.

Sec. 171. In any county that shall have adopted a system of government by the chairmen of the several township boards, the question of continuing the same may be submitted to the electors of such county at a general election in such a manner as may be provided by law, and if a majority of all the votes cast upon such question shall be against said system of government, then such system shall cease in said county, and the affairs of said county shall then be transacted by a board of county commissioners, as is now provided by the laws of the Territory of Dakota.

Sec. 172. Until the system of county government by the chairmen of the several township boards is adopted by any county the fiscal affairs of said county shall be transacted by a board of county commissioners. Said board shall consist of not less than three and not more than five members, whose term of office shall be prescribed by law. Said board shall hold sessions for the transaction of county business as shall be provided by law.

Sec. 173. At the first general election held after the adoption of this Constitution, and every two years thereafter, there shall be elected in each organized county in the State a county judge, clerk of court, register of deeds, county auditor, treasurer, sheriff and State's attorney, who shall be electors of the county in which they are elected and who shall hold their office until their successors are elected and qualified. The legislative assembly shall provide by law for such other county, township and district officers as may be deemed necessary, and shall prescribe the duties and compensation of all county, township and district officers. The sheriff and treasurer of any county shall not hold their respective offices for more than four years in succession.

## ARTICLE XI

### *Revenue and Taxation.*

Sec. 174. The Legislative Assembly shall provide for raising revenue sufficient to defray the expenses of the State for each year, not to exceed in any one year four (4) mills on the dollar of the assessed valuation of all taxable property in the State, to



be ascertained by the last assessment made for State and county purposes, and also a sufficient sum to pay the interest on the State debt.

Sec. 175. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

Sec. 176. Laws shall be passed taxing by uniform rule all property according to its true value in money, but the property of the United States, and the State, county and municipal corporations, both real and personal, shall be exempt from taxation, and the legislative assembly shall by a general law exempt from taxation property used exclusively for school, religious, cemetery or charitable purposes, and personal property to any amount not exceeding in value \$200 for each individual liable to taxation; but the legislative assembly may, by law, provide for the payment of a per centum of gross earnings of railroad companies to be paid in lieu of all State, county, township and school taxes on property exclusively used in and about the prosecution of the business of such companies as common carriers, but no real estate of said corporations shall be exempted from taxation in the same manner and on the same basis as other real estate is taxed, except roadbed, right of way, shops and buildings used exclusively in their business as common carriers; and whenever and so long as such law providing for the payment of a per centum on earnings shall be in force, that part of section 179 of this article relating to assessments of railroad property shall cease to be in force.

Sec. 177. All improvements on land shall be assessed in accordance with section 179, but plowing shall not be considered as an improvement or add to the value of land for the purpose of assessment.

Sec. 178. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State or any county or other municipal corporation shall be a party.

Sec. 179. All property, except as hereinafter in this section provided, shall be assessed in the county, city, township, town, village or district in which it is situated, in the manner prescribed by law. The franchise, roadway, roadbed, rails and rolling stock of all railroads operated in this State shall be assessed by the State Board of Equalization at their actual value, and such

assessed valuation shall be apportioned to the counties, cities, towns, townships and districts in which said roads are located, as a basis for taxation of such property, in proportion to the number of miles of railway laid in such counties, cities, towns, townships and districts.

Sec. 180. The legislative assembly may provide for the levy, collection and disposition of an annual poll tax of not more than one dollar and fifty cents (\$1.50) on every male inhabitant of this State over twenty-one and under fifty years of age, except paupers, idiots, insane persons and Indians not taxed.

Sec. 181. The legislative assembly shall pass all laws necessary to carry out the provisions of this article.

## ARTICLE XII.

### *Public Debt and Public Works.*

Sec. 182. The State may, to meet casual deficits or failure in the revenue, or in case of extraordinary emergencies, contract debts, but such debts shall never in the aggregate exceed the sum of \$200,000, exclusive of what may be the debt of North Dakota at the time of the adoption of this Constitution. Every such debt shall be authorized by law for certain purposes to be definitely mentioned therein, and every such law shall provide for levying an annual tax sufficient to pay the interest semi-annually, and the principal within thirty years from the passage of such law, and shall specially appropriate the proceeds of such tax to the payment of said principal and interest, and such appropriation shall not be repealed nor the tax discontinued until such debt, both principal and interest, shall have been fully paid. No debt in excess of the limit named shall be incurred, except for the purpose repelling invasion, suppressing insurrection, defending the State in time of war, or to provide for public defense in case of threatened hostilities; but the issuing of new bonds to refund existing indebtedness shall not be construed to be any part or portion of said \$200,000.

Sec. 183. The debt of any county, township, town, school district, or any other political subdivision, shall never exceed five (5) per centum upon the assessed value of the taxable property therein; Provided, that any incorporated city may, by a two-thirds vote, increase such indebtedness three (3) per centum on such assessed value beyond said five (5) per centum limit. In

estimating the indebtedness which a city, county, township, school district or any other political subdivision may incur, the entire amount of existing indebtedness, whether contracted prior or subsequent to the adoption of this Constitution, shall be included: Provided further, that any incorporated city may become indebted in any amount not exceeding four (4) per centum on such assessed value without regard to the existing indebtedness of such city, for the purpose of constructing or purchasing water-works for furnishing a supply of water to the inhabitants of such city, or for the purpose of constructing sewers, and for no other purpose whatever. All bonds or obligations in excess of the amount of indebtedness permitted by this Constitution, given by any city, county, township, town, school district, or any other political subdivision, shall be void.

Sec. 184. Any city, county, township, town, school district or any other political subdivision incurring indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof when due, and all laws or ordinances providing for the payment of the interest or principal of any debt shall be irrevocable until such debt be paid.

Sec. 185. Neither the State or any county, city, township, town, school district or any other political subdivision shall loan or give its credit or make donations to or in aid of any individual, association or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, nor shall the State engage in any work of internal improvement unless authorized by a two-thirds vote of the people.

Sec. 186. No money shall be paid out of the State treasury except upon appropriation by law and on warrant drawn by the proper officer, and no bills, claims, accounts or demands against the State, or any county or other political subdivision, shall be audited, allowed or paid until a full itemized statement in writing shall be filed with the officer or officers whose duty it may be to audit the same.

Sec. 187. No bond or evidence of indebtedness of the State shall be valid unless the same shall have indorsed thereon a certificate, signed by the auditor and Secretary of State, that the bond or evidence of debt is issued pursuant to law and is within

the debt limit. No bond or evidence of debt of any county, or bond of any township or other political subdivision shall be valid unless the same have indorsed thereon a certificate signed by the county auditor, or other officer authorized by law to sign such certificate, stating that said bond, or evidence of debt, is issued pursuant to law and is within the debt limit.

#### ARTICLE XIII.

##### *Militia.*

Sec. 188. The militia of this State shall consist of all able-bodied male persons residing in this State, between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States or of this State. Persons whose religious tenets or conscientious scruples forbid them to bear arms shall not be compelled to do so in times of peace, but shall pay an equivalent for a personal service.

Sec. 189. The militia shall be enrolled, organized, uniformed, armed and disciplined in such manner as shall be provided by law, not incompatible with the Constitution or laws of the United States.

Sec. 190. The Legislative Assembly shall provide by law for the establishment of volunteer organizations of the several arms of the service, which shall be classed as active militia, and no other organized body of armed men shall be permitted to perform military duty in this State, except the army of the United States, without the proclamation of the Governor of the State.

Sec. 191. All militia officers shall be appointed or elected in such a manner as the Legislative Assembly shall provide.

Sec. 192. The commissioned officers of the militia shall be commissioned by the Governor, and no commissioned officer shall be removed from office except by sentence of court-martial pursuant to law.

Sec. 193. The militia forces shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at musters, parades and election of officers, and in going to and returning from the same.

#### ARTICLE XIV.

##### *Impeachment and Removal from Office.*

Sec. 194. The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all members elected shall be necessary to an impeachment.

Sec. 195. All impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation to do justice according to the law and evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. When the Governor or Lieutenant-Governor is on trial, the presiding judge of the Supreme Court shall preside.

Sec. 196. The Governor and other State and judicial officers, except county judges, justices of the peace and police magistrates, shall be liable to impeachment for habitual drunkenness, crimes, corrupt conduct, or malfeasance or misdemeanor in office, but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of trust or profit under the State. The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment trial, judgment and punishment according to law.

Sec. 197. All officers not liable to impeachment shall be subject to removal for misconduct, malfeasance, crime or misdemeanor in office, or for habitual drunkenness or gross incompetency, in such manner as may be provided by law.

Sec. 198. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

Sec. 199. On trial of impeachment against the Governor, the Lieutenant-Governor shall not act as a member of the court.

Sec. 200. No person shall be tried on impeachment before he shall have been served with a copy thereof, at least twenty days previous to the day set for trial.

Sec. 201. No person shall be liable to impeachment twice for the same offense.

## ARTICLE XV.

### *Future Amendments.*

Sec. 202. Any amendment or amendments to this Constitution may be proposed in either House of the Legislative Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment shall be entered on the journal of the House with the yeas and nays taken thereon, and referred to the Legislative Assembly to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if in the Legislative Assembly so next

chosen as aforesaid such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the Legislative Assembly to submit such proposed amendment or amendments to the people in such manner and at such time as the Legislative Assembly shall provide; and if the people shall approve and ratify such amendment or amendments by majority of the electors qualified to vote for members of the Legislative Assembly voting thereon, such amendment or amendments shall become a part of the Constitution of this State. If two or more amendments shall be submitted at the same time they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

#### ARTICLE XVI.

##### *Compact With the United States.*

The following article shall be irrevocable without the consent of the United States and the people of this State:

Sec. 203. First—Perfect toleration of religious sentiment shall be secured, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

Second—The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and that said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands belonging to residents of this State; that no taxes shall be imposed by this State on lands or property therein belonging to, or which may hereafter be purchased by the United States, or reserved for its use. But nothing in this article shall preclude this State from taxing as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States, or from any person, a title

thereto, by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any acts of Congress containing a provision exempting the lands thus granted from taxation, which last mentioned lands shall be exempt from taxation so long, and to such an extent, as is or may be provided in the act of Congress granting the same.

Third—In order that payment of the debts and liabilities contracted or incurred by and in behalf of the Territory of Dakota may be justly and equitably provided for and made, and in pursuance of the requirements of an act of Congress approved February 22, 1889, entitled "An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana and Washington to form Constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States," the States of North Dakota and South Dakota, by proceedings of a joint commission, duly appointed under said act, the sessions whereof were held at Bismarck in said State of North Dakota, from July 16, 1889, to July 31, 1889, inclusive, have agreed to the following adjustment of the amounts of the debts and liabilities of the Territory of Dakota, which shall be assumed and paid by each of the States of North Dakota and South Dakota, respectively, to wit:

This agreement shall take effect and be in force from and after the admission into the Union, as one of the United States of America, of either the State of North Dakota or the State of South Dakota.

The words "State of North Dakota," whenever used in this agreement, shall be taken to mean the Territory of North Dakota in case the State of South Dakota shall be admitted into the Union prior to the admission into the Union of the State of North Dakota; and the words "State of South Dakota," whenever used in this agreement, shall be taken to mean the Territory of South Dakota in case the State of North Dakota shall be admitted into the Union prior to the admission into the Union of the State of South Dakota.

The said State of North Dakota shall assume and pay all bonds issued by the Territory of Dakota to provide funds for the purchase, construction, repairs or maintenance of such public insti-

tutions, grounds or buildings as are located within the boundaries of North Dakota, and shall pay all warrants issued under and by virtue of that certain act of the legislative assembly of the Territory of Dakota, approved March 8, 1889, entitled "An act to provide for the refunding of outstanding warrants drawn on the capitol building fund."

The said State of South Dakota shall assume and pay all bonds issued by the Territory of Dakota to provide funds for the purchase, construction, repairs or maintenance of such public institutions, grounds or buildings as are located within the boundaries of South Dakota.

That is to say: The State of North Dakota shall assume and pay the following bonds and indebtedness, to wit:

Bonds issued on account of the hospital for insane at Jamestown, North Dakota, the face aggregate of which is \$266,000; also, bonds issued on account of the North Dakota University at Grand Forks, North Dakota, the face aggregate of which is \$96,700; also, bonds issued on account of the penitentiary at Bismarck, North Dakota, the face aggregate of which is \$93,600; also, refunding capitol building warrants dated April 1, 1889, \$83,507.46.

And the State of South Dakota shall assume and pay the following bonds and indebtedness, to wit:

Bonds issued on account of the hospital for the insane at Yankton, South Dakota, the face aggregate of which is \$210,000; also, bonds issued on account of the school for deaf mutes at Sioux Falls, South Dakota, the face aggregate of which is \$51,000; also, bonds issued on account of the university at Vermillion, South Dakota, the face aggregate of which is \$75,000; also, bonds issued on account of the penitentiary at Sioux Falls, South Dakota, the face aggregate of which is \$94,300; also, bonds issued on account of the agricultural college at Brookings, South Dakota, the face aggregate of which is \$97,500; also, bonds issued on account of the normal school at Madison, South Dakota, the face aggregate of which is \$49,400; also, bonds issued on account of the school of mines at Rapid City, South Dakota, the face aggregate of which is \$33,000; also, bonds issued on account of the reform school at Plankinton, South Dakota, the face aggregate of which is \$30,000; also, bonds issued on account of the normal school at Spearfish, South Dakota, the face aggregate



of which is \$25,000; also, bonds issued on account of the soldiers' home at Hot Springs, South Dakota, the face aggregate of which is \$45,000.

The States of North Dakota and South Dakota shall pay one-half each of all liabilities now existing or hereafter and prior to the taking effect of this agreement incurred, except those heretofore or hereafter incurred on account of public institutions, grounds or buildings, except as otherwise herein specifically provided.

The State of South Dakota shall pay to the State of North Dakota \$46,500, on account of the excess of territorial appropriations for the permanent improvement of territorial institutions which under this agreement will go to South Dakota, and in full of the undivided one-half interest of North Dakota in the territorial library, and in full settlement of unbalanced accounts, and of all claims against the territory, of whatever nature, legal or equitable, arising out of the alleged erroneous or unlawful taxation of Northern Pacific railroad lands, and the payment of said amount shall discharge and exempt the State of South Dakota from all liabilities for or on account of the several matters hereinbefore referred to; nor shall either State be called upon to pay or answer to any portion of liabilities hereafter arising or accruing on account of transactions heretofore had, which liability would be a liability of the Territory of Dakota had such territory remained in existence, and which liability shall grow out of matters connected with any public institutions, grounds or buildings of the territory situated or located within the boundaries of the other State.

A final adjustment of accounts shall be made upon the following basis: North Dakota shall be charged with all sums paid on account of the public institutions, grounds or buildings located within its boundaries on account of the current appropriations since March 9, 1889, and South Dakota shall be charged with all sums paid on account of public institutions, grounds or buildings located within its boundaries on the same account and during the same time. Each State shall be charged with one-half of all other expenses of the territorial government during the same time. All moneys paid into the treasury during the period from March 8, 1889, to the time of taking effect of this agreement by any county, municipality or person within the limits of the proposed

State of North Dakota shall be credited to the State of North Dakota; and all sums paid into said treasury within the same time by any county, municipality or person within the limits of the proposed State of South Dakota shall be credited to the State of South Dakota; except that any and all taxes on gross earnings paid into said treasury by railroad corporations since the eighth day of March, 1889, based upon earnings of years prior to 1888, under and by virtue of the act of the legislative assembly of the Territory of Dakota, approved March 7, 1889, and entitled "An act providing for the levy and collection of taxes upon property of railroad companies in this territory," being chapter 107 of the session laws of 1889 (that is, the part of such sums going to the territory), shall be equally divided between the States of North Dakota and South Dakota, and all taxes heretofore or hereafter paid into said treasury under and by virtue of the act last mentioned, based on the gross earnings of the year 1888, shall be distributed as already provided by law, except that so much thereof as goes to the territorial treasurer shall be divided as follows: North Dakota shall have so much thereof as shall be or has been paid by railroads within the limits of the proposed State of North Dakota, and South Dakota so much thereof as shall be or has been paid by railroads within the limits of the proposed State of South Dakota; each State shall be credited also with all balances of appropriations made by the seventeenth legislative assembly of the Territory of Dakota for the account of the public institutions, grounds or buildings situated within its limits, remaining unexpended on March 8, 1889. If there shall be any indebtedness except the indebtedness represented by the bonds and refunding warrants hereinbefore mentioned, each State shall at the time of such final adjustment of accounts assume its share of said indebtedness as determined by the amount paid on account of the public institutions, grounds or building of such State in excess of the receipts from counties, municipalities, railroad corporations or persons within the limits of said State, as provided in this article; and if there should be a surplus at the time of such final adjustment, each State shall be entitled to the amounts received from counties, municipalities, railroad corporations or persons within its limits over and above the amount charged it. And the State of North Dakota hereby obligates itself to pay such part

of the debts and liabilities of the Territory of Dakota as is declared by the foregoing agreement to be its proportion thereof, the same as if such proportion had been originally created by said State of North Dakota as its own debt or liability.

Sec. 204. Jurisdiction is ceded to the United States over the military reservations of Fort Abraham Lincoln, Fort Buford, Fort Pembina and Fort Totten, heretofore declared by the President of the United States: Provided, legal process, civil and criminal, of this State, shall extend over such reservations in all cases in which exclusive jurisdiction is not vested in the United States, or of crimes not committed within the limits of such reservations.

Sec. 205. The State of North Dakota hereby accepts the several grants of land granted by the United States to the State of North Dakota by an act of Congress, entitled "An act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana and Washington to form Constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States," under the conditions and limitations therein mentioned; reserving the right, however, to apply to Congress for modifications of said conditions and limitations in case of necessity.

## ARTICLE XVII.

### *Miscellaneous.*

Sec. 206. The name of this State shall be "North Dakota." The State of North Dakota shall consist of all the territory included within the following boundaries, to wit: Commencing at a point in the main channel of the Red River of the North, where the forty-ninth degree of north latitude crosses the same; thence south up the main channel of the same and along the boundary line of the State of Minnesota to a point where the seventh standard parallel intersects the same; thence west along said seventh standard parallel produced due west to a point where it intersects the twenty-seventh meridian of longitude west from Washington; thence north on said meridian to a point where it intersects the forty-ninth degree of north latitude; thence east along said line to place of beginning.

Sec. 207. The following described seal is hereby declared to be and hereby constituted the great seal of the State of North

Dakota, to wit: A tree in the open field, the trunk of which is surrounded by three bundles of wheat; on the right a plow, anvil and sledge; on the left a bow crossed with three arrows, and an Indian on horseback pursuing a buffalo towards the setting sun; the foliage of the tree arched by a half circle of forty-two stars, surrounded by the motto "Liberty and Union now and forever, one and inseparable;" the words "Great Seal" at the top; the words "State of North Dakota" at the bottom; "October 1st" on the left and "1889" on the right. The seal to be two and one-half inches in diameter.

Sec. 208. The right of the debtor to enjoy the comforts and necessities of life shall be recognized by wholesome laws exempting from forced sale to all heads of families a homestead, the value of which shall be limited and defined by law, and a reasonable amount of personal property; the kind and value shall be fixed by law. This section shall not be construed to prevent liens against the homestead for labor done and materials furnished in the improvement thereof, in such manner as may be prescribed by law.

Sec. 209. The labor of children under twelve years of age shall be prohibited in mines, factories and workshops in this State.

Sec. 210. All flowing streams and natural water-courses shall forever remain the property of the State for mining, irrigating and manufacturing purposes.

Sec. 211. Members of the legislative assembly and judicial department, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States and the Constitution of the State of North Dakota; and that I will faithfully discharge the duties of the office of ——— according to the best of my ability, so help me God" (if an oath) ("under pains and penalties of perjury," if an affirmation), and no other oath, declaration or test shall be required as a qualification for any office or public trust.

Sec. 212. The exchange of "black lists" between corporations shall be prohibited.

Sec. 213. The real and personal property of any woman in this State, acquired before marriage, and all property to which

she may after marriage become in any manner rightfully entitled, shall be her separate property and shall not be liable for the debts of her husband.

#### ARTICLE XVIII.

##### *Congressional and Legislative Apportionment.*

Sec. 214. Until otherwise provided by law, the member of the House of Representatives of the United States apportioned to this State, shall be elected at large.

Until otherwise provided by law, the senatorial and representative districts shall be formed and the Senators and the Representatives shall be apportioned as follows:

The first district shall consist of the townships of Walhalla, St. Joseph, Neche, Pembina, Bathgate, Carlisle, Joliet, Midland, Lincoln and Drayton, in the county of Pembina, and be entitled to one Senator and two Representatives.

The second district shall consist of the townships of St. Thomas, Hamilton, Cavalier, Akra, Beaulieu, Thingvalla, Gardar, Park, Crystal, Elora and Lodoma, in the county of Pembina, and be entitled to one Senator and two Representatives.

The third district shall consist of the townships of Perth, Latona, Adams, Silvesta, Cleveland, Morton, Vesta, Tiber, Medford, Vernon, Golden, Lampton, Eden, Rushford, Kensington, Dundee, Ops, Prairie Centre, Fertile, Park River and Glenwood, in the county of Walsh, and be entitled to one Senator and two Representatives.

The fourth district shall consist of the townships of Forest River, Walsh Centre, Grafton, Farmington, Ardock, village of Ardock, Harrison, city of Grafton, Oakwood, Martin, Walshville, Pulaski, Acton, Minto and St. Andrews, in the county of Walsh, and be entitled to one Senator and three Representatives.

The fifth district shall consist of the townships of Gilby, Johnstown, Straban, Wheatfield, Hegton, Arvilla, Avon, Northwood, Lind, Grace, Larimore and the city of Larimore, Elm Grove, Agnes, Inkster, Elkmount, Oakwood, Niagara, Moraine, Logan and Loretta, in the county of Grand Forks, and be entitled to one Senator and two Representatives.

The sixth district shall consist of the third, fourth, fifth and sixth wards of the city of Grand Forks, as now constituted, and the townships of Falconer, Harvey, Turtle River, Ferry, Rye,

Blooming, Meckinock, Lakeville and Levant, in the county of Grand Forks, and be entitled to one Senator and two Representatives.

The seventh district shall consist of the first and second wards of the city of Grand Forks as now constituted, and the townships of Grand Forks, Brenna, Oakville, Chester, Pleasant View, Fairfield, Allendale, Walle, Bentru, Americus, Michigan, Union and Washington, in the county of Grand Forks, and be entitled to one Senator and two Representatives.

The eighth district shall consist of the county of Traill, and be entitled to one Senator and four Representatives.

The ninth district shall consist of the township of Fargo and the city of Fargo, in the county of Cass, and the fractional township number 139, in range 48, and be entitled to one Senator and two Representatives.

The tenth district shall consist of the townships of Noble, Wiser, Harwood, Reed, Barnes, Stanley, Pleasant, Kenyon, Gardner, Berlin, Raymond, Mapleton, Warren, Norman, Elm River, Harmony, Durbin, Addison, Davenport, Casselton and the city of Casselton, in the county of Cass, and be entitled to one Senator and three Representatives.

The eleventh district shall consist of the townships of Webster, Rush River, Hunter, Arthur, Amenia, Everest, Maple River, Leonard, Dows, Erie, Empire, Wheatland, Gill, Walburg, Watson, Page, Rich, Ayr, Buffalo, Howes, Eldrid, Highland, Rochester, Lake, Cornell, Tower, Hill, Clifton and Pontiac, in the county of Cass, and be entitled to one Senator and three Representatives.

The twelfth district shall consist of the county of Richland, and be entitled to one Senator and three Representatives.

The thirteenth district shall consist of the county of Sargent, and be entitled to one Senator and three Representatives.

The fourteenth district shall consist of the county of Ransom, and be entitled to one Senator and two Representatives.

The fifteenth district shall consist of the county of Barnes, and be entitled to one Senator and two Representatives.

The sixteenth district shall consist of the counties of Steele and Griggs, and be entitled to one Senator and two Representatives.

The seventeenth district shall consist of the county of Nelson, and be entitled to one Senator and one Representative.

The eighteenth district shall consist of the county of Cavalier, and be entitled to one Senator and two Representatives.

The nineteenth district shall consist of the counties of Towner and Bolette, and be entitled to one Senator and one Representative.

The twentieth district shall consist of the counties of Benson and Pierce, and be entitled to one Senator and two Representatives.

The twenty-first district shall consist of the county of Ramsey, and be entitled to one Senator and two Representatives.

The twenty-second district shall consist of the counties of Eddy, Foster and Wells, and be entitled to one Senator and two Representatives.

The twenty-third district shall consist of the county of Stutsman, and be entitled to one Senator and two Representatives.

The twenty-fourth district shall consist of the county of La Moure, and be entitled to one Senator and one Representative.

The twenty-fifth district shall consist of the county of Dickey, and be entitled to one Senator and two Representatives.

The twenty-sixth district shall consist of the counties of Emmons, McIntosh, Logan and Kidder, and be entitled to one Senator and two Representatives.

The twenty-seventh district shall consist of the county of Burleigh, and be entitled to one Senator and two Representatives.

The twenty-eighth district shall consist of the counties of Bottineau and McHenry, and be entitled to one Senator and one Representative.

The twenty-ninth district shall consist of the counties of Ward, McLean and all the unorganized counties lying north of the Missouri river, and be entitled to one Senator and one Representative.

The thirtieth district shall consist of the counties of Morton and Oliver, and be entitled to one Senator and two Representatives.

The thirty-first district shall consist of the counties of Mercer, Stark and Billings, and all the unorganized counties lying south of the Missouri river, and be entitled to one Senator and one Representative.

## ARTICLE XIX.

*Public Institutions.*

Sec. 215. The following public institutions of the State are permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States in the act of Congress approved February 22, 1889, to be disposed of and used in such manner as the legislative assembly may prescribe, subject to the limitations provided in the article on school and public lands contained in this Constitution:

First — The seat of government at the city of Bismarck, in the county of Burleigh.

Second — The State university and the school of mines at the city of Grand Forks, in the county of Grand Forks.

Third — The agricultural college at the city of Fargo, in the county of Cass.

Fourth — A State normal school at the city of Valley City, in the county of Barnes; and the legislative assembly in apportioning the grant of 80,000 acres of land for normal schools made in the act of Congress referred to, shall grant to the said normal school at Valley City as aforementioned, fifty thousand (50,000) acres, and said lands are hereby appropriated to said institution for that purpose.

Fifth — The deaf and dumb asylum at the city of Devil's Lake, in the county of Ramsey.

Sixth — A State reform school at the city of Mandan, in the county of Morton.

Seventh — A State normal school at the city of Mayville, in the county of Traill; and the legislative assembly, in apportioning the grant of land made by Congress in the act aforesaid for State normal schools, shall assign 30,000 acres to the institution hereby located at Mayville, and said lands are hereby appropriated for said purpose.

Eighth — A State hospital for the insane, and an institution for the feeble-minded in connection therewith, at the city of Jamestown, in the county of Stutsman; and the legislative assembly shall appropriate 20,000 acres of the grant of land made by the act of Congress aforesaid for "other educational and charitable institutions" to the benefit and for the endowment of said institution.



Sec. 216. The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of 175,000 acres of land made by the United States, for "other educational and charitable institutions," and is allotted below, viz.:

First — A soldiers' home, when located, or such other charitable institution as the legislative assembly may determine, at Lisbon, in the county of Ransom, with a grant of 40,000 acres of land.

Second — A blind asylum, or such other institution as the legislative assembly may determine, at such place in the county of Pembina, as the qualified electors of said county may determine at an election to be held as prescribed by the legislative assembly, with a grant of 30,000 acres.

Third — An industrial school and school for manual training, or such other educational or charitable institution as the legislative assembly may provide, at the town of Ellendale, in the county of Dickey, with a grant of 40,000 acres.

Fourth — A school of forestry, or such other institution as the legislative assembly may determine, at such place in one of the counties of McHenry, Ward, Bottineau or Rolette, as the electors of said counties may determine by an election for that purpose, to be held as provided by the legislative assembly.

Fifth—A scientific school, or such other educational or charitable institution as the legislative assembly may prescribe, at the city of Wahpeton, county of Richland, with a grant of 40,000 acres.

Provided, that no other institution of a character similar to any one of those located by this article shall be established or maintained without a revision of this Constitution.

## ARTICLE XX.

### *Prohibition.*

To be submitted to a separate vote of the people as provided by the schedule and ordinance.

Sec. 217. No person, association or corporation shall, within this State, manufacture for sale or gift, any intoxicating liquors, and no person, association or corporation shall import any of the same for sale or gift, or keep or sell or offer the same for sale

or gift, barter or trade, as a beverage. The legislative assembly shall by law prescribe regulations for the enforcement of the provisions of this article, and shall thereby provide suitable penalties for the violation thereof.

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#### SCHEDULE.

Section 1. That no inconvenience may arise from a change of territorial government to State government, it is declared that all writs, actions, prosecutions, claims and rights of individuals and bodies corporate shall continue as if no change of government had taken place, and all processes which may, before the organization of the judicial department under this Constitution be issued under the authority of the Territory of Dakota shall be as valid as if issued in the name of the State.

Sec. 2. All laws now in force in the Territory of Dakota, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitations or be altered or repealed.

Sec. 3. All fines, penalties, forfeitures and escheats accruing to the Territory of Dakota shall accrue to the use of the States of North Dakota and South Dakota, and may be sued for and recovered by either of said States as necessity may require.

Sec. 4. All recognizances, bonds, obligations or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this Constitution, shall remain valid and shall pass over to, and may be prosecuted in the name of the State; all bonds, obligations or other undertakings executed to this territory, or to any officer in his official capacity, shall pass over to the proper State authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; all criminal prosecutions and penal actions which have arisen, or may arise before the organization of the judicial department under this Constitution, or which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

Sec. 5. All property, real and personal, and credits, claims and choses in action belonging to the Territory of Dakota at the time of the adoption of this Constitution shall be vested in and become the property of the States of North Dakota and South Dakota.

Sec. 6. Whenever any two of the judges of the Supreme Court of the State elected under the provisions of this Constitution shall have qualified in their offices, the causes then pending in the Supreme Court of the Territory on appeal or writ of error from the District Court of any county or subdivision within the limits of this State, and the papers, records and proceedings of said court, shall pass into the jurisdiction and possession of the Supreme Court of the State, except as otherwise provided in the enabling act of Congress, and until so superseded the Supreme Court of the Territory and the judges thereof shall continue, with like power and jurisdiction as if this Constitution had not been adopted. Whenever the judge of the District Court of any district elected under the provisions of this Constitution shall have qualified in his office, the several causes then pending in the District Court of the Territory, within any county in such district, and the records, papers and proceedings of said District Court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the District Court of the State for such county, except as provided in the enabling act of Congress; until the District Court of this Territory shall be superseded in the manner aforesaid, the said District Court and the judges thereof shall continue with the same jurisdiction and power to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the Territory.

Sec. 7. Until otherwise provided by law, the seals now in use in the Supreme and District Courts of this Territory are hereby declared to be the seals of the Supreme and District Courts, respectively, of the State.

Sec. 8. Whenever this Constitution shall go into effect, the books, records and papers, and proceedings of the Probate Court in each county, and all causes and matters of administration and other matters pending therein, shall pass into the jurisdiction and possession of the County Court of the same county, and the said County Court shall proceed to final decree or judgment, order or other determination in the said several matters and causes as the said Probate Court might have done if this Constitution had not been adopted. And until the election and qualification of the judges of the County Courts provided for in this Constitution, the probate judges shall act as the judges of the County Courts within their respective counties, and the seal of

the Probate Court in each county shall be the seal of the County Court therein until the said court shall have procured a proper seal.

Sec. 9. The terms "probate court" or "probate judge" whenever occurring in the statutes of the Territory shall, after this Constitution goes into effect, be held to apply to the County Court or county judge.

Sec. 10. All territorial, county and precinct officers, who may be in office at the time this Constitution takes effect, whether holding their offices under the authority of the United States or of the Territory, shall hold and exercise their respective offices, and perform the duties thereof as prescribed in this Constitution, until their successors shall be elected and qualified in accordance with the provisions of this Constitution, and official bonds of all such officers shall continue in full force and effect as though this Constitution had not been adopted, and such officers for their term of service, under this Constitution, shall receive the same salaries and compensation as is by this Constitution, or by the laws of the territory, provided for like officers: Provided, that the county and precinct officers shall hold their offices for the term for which they were elected. There shall be elected in each organized county in this State, at the election to be held for the ratification of this Constitution, a clerk of the District Court, who shall hold his office under said election, until his successor is duly elected and qualified. The judges of the District Court shall have power to appoint State's attorneys in any organized county where no such attorneys have been elected, which appointment shall continue until the general election to be held in 1890, and until his successor is elected and qualified.

Sec. 11. This Constitution shall take effect and be in full force immediately upon the admission of the Territory as a State.

Sec. 12. Immediately upon the adjournment of this convention, the Governor of the Territory, or in case of his absence or failure to act, the Secretary of the Territory, or in his absence or failure to act, the President of the Constitutional convention, shall issue a proclamation, which shall be published and a copy thereof mailed to the chairman of the board of county commissioners of each county, calling an election by the people on the

first Tuesday in October, 1889, of all the State and district officers created and made elective by this Constitution. This Constitution shall be submitted for adoption or rejection at said election to a vote of the electors qualified by the laws of this Territory to vote at all elections. At the election provided for herein the qualified voters shall vote directly for or against this Constitution, and for or against the article separately submitted.

Sec. 13. The board of commissioners of the several counties shall thereupon order such election for said day, and shall cause notice thereof to be given for the period of twenty days in the manner provided by law. Every qualified elector of the Territory, at the date of said election, shall be entitled to vote thereat. Said election shall be conducted in all respects in the same manner as provided by the laws of the territory for general elections, and the returns for all State and district officers, and members of the legislative assembly, shall be made to the canvassing board hereinafter provided for.

Sec. 14. The Governor, Secretary and Chief Justice, or a majority of them shall constitute a board of canvassers to canvass the vote of such election for all State and district officers and members of the legislative assembly. The said board shall assemble at the seat of government of the Territory on the fifteenth day after the day of such election (or on the following day if such day fall on Sunday), and proceed to canvass the votes on the adoption of this Constitution and for all State and district officers and members of the legislative assembly in the manner provided by the laws of the Territory for canvassing the vote for delegate to Congress, and they shall issue certificates of election to the persons found to be elected to said offices severally, and shall make and file with the Secretary of the Territory an abstract, certified by them, of the number of votes cast for or against the adoption of the Constitution, and for each person for each of said offices, and of the total number of votes cast in each county.

Sec. 15. All officers elected at such election shall, within sixty days after the date of the executive proclamation admitting the State of North Dakota into the Union, take the oath required by this Constitution, and give the same bond required by the law of the Territory to be given in case of like officers of the Territory and districts, and shall thereupon enter upon

the duties of their respective offices; but the legislative assembly may require by law all such officers to give other or further bonds as a condition of their continuance in office.

Sec. 16. The judges of the District Court who shall be elected at the election herein provided for shall hold their offices until the first Monday in January, 1893, and until their successors are elected and qualified. All other State officers, except judges of the Supreme Court, who shall be elected at the election herein provided for, shall hold their offices until the first Monday in January, 1891, and until their successors are elected and qualified. Until otherwise provided by law the judges of the Supreme Court shall receive for their services the salary of \$4,000 per annum, payable quarterly; and the district judges shall receive for their services the salary of \$3,000 per annum, payable quarterly.

Sec. 17. The Governor-elect of the State, immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the legislative assembly of the State at the seat of government, on a day to be named in said proclamation, and which shall not be less than fifteen nor more than forty days after the date of such proclamation. And said legislative assembly, after organizing, shall proceed to elect two Senators of the United States for the State of North Dakota; and at said election the two persons who shall receive a majority of all the votes cast by the said Senators and Representatives shall be elected such United States Senators. And the presiding officers of the Senate and House of Representatives shall each certify the election to the Governor and Secretary of the State of North Dakota; and the Governor and Secretary of State shall certify the elections of such Senators as provided by law.

Sec. 18. At the election herein provided for there shall be elected a Representative to the Fifty-first Congress of the United States, by the electors of the State at large.

Sec. 19. It is hereby made the duty of the legislative assembly at its first session to provide for the payment of all debts and indebtedness authorized to be incurred by the Constitutional Convention of North Dakota, which shall remain unpaid after the appropriation made by Congress for the same shall have been exhausted.

Sec. 20. There shall be submitted at the same election at which this Constitution is submitted for rejection or adoption,

Article XX, entitled "Prohibition," and persons who desire to vote for said article shall have written or printed on their ballots "For Prohibition," and all persons desiring to vote against said article shall have written or printed on their ballots "Against Prohibition." If it shall appear according to the returns herein provided for that a majority of all the votes cast at said election for and against prohibition are "For Prohibition," then said Article XX shall be and form a part of this Constitution, and be in full force and effect as such from the date of the admission of this State into the Union. But if a majority of said votes shall appear according to said returns to be "Against Prohibition," then said Article XX shall be null and void, and shall not be a part of this Constitution.

Sec. 21. The agreement made by the joint commission of the Constitutional conventions of North Dakota and South Dakota concerning the records, books and archives of the Territory of Dakota, is hereby ratified and confirmed; which agreement is in the words following, that is to say:

The following books, records and archives of the Territory of North Dakota, to wit: All records, books and archives in the offices of the Governor and Secretary of the Territory (except records of articles of incorporation of domestic corporations, returns of election of delegates to the Constitutional convention of 1889, for South Dakota, returns of elections held under the so-called local option law in counties within the limits of South Dakota, bonds of notaries public appointed for counties within the limits of South Dakota, papers relating to the organization of counties situate within the limits of South Dakota, all which records and archives are a part of the records and archives of said Secretary's office; excepting, also, census returns from counties situate within the limits of South Dakota and papers relating to requisitions issued upon the application of officers of counties situate within the limits of South Dakota, all which are a part of the records and archives of said Governor's office).

And the following records, books and archives shall also be the property of the State of North Dakota, to wit:

Vouchers in the office or custody of the Auditor of this Territory relating to expenditures on account of public institutions, grounds or buildings situate within the limits of North Dakota. One warrant register in the office of the Treasurer of this Terri-

tory, being a record of warrants issued under and by virtue of chapter 24 of the laws enacted by the Eighteenth Legislative Assembly of North Dakota. All letters, receipts and vouchers in the same office now filed by counties and pertaining to counties within the limits of North Dakota. Paid and canceled coupons in the same office representing interest on bonds of North Dakota.

All other records, books and archives which it is hereby agreed shall be the property of South Dakota, shall remain at the capitol of North Dakota until demanded by the Legislature of the State of South Dakota, and until the State of North Dakota shall have had a reasonable time after such demand is made to provide copies or abstracts of such portions thereof as the said State of North Dakota may desire to have copies or abstracts of.

The State of South Dakota may also provide copies or abstracts of such records, books and archives, which it is agreed shall be the property of North Dakota, as said State of South Dakota shall desire to have copies or abstracts of.

The expense of all copies or abstracts of records, books and archives which it is herein agreed may be made, shall be borne equally by said two States.

Sec. 22. Should the counties containing lands which form a part of the grant of lands made by Congress to the Northern Pacific Railroad Company be compelled by law to refund moneys paid for such lands or any of them by purchasers thereof at tax sales thereof, based upon taxes illegally levied upon said lands, then and in that case the State of North Dakota shall appropriate the sum of \$25,000, or so much thereof as may be necessary, to reimburse said counties for the amount so received from said illegal tax sales and paid by said counties into the treasury of Dakota Territory, which said State of North Dakota is to assume and pay. Reports of gross earnings of the year 1888 in the same office, made by corporations operating lines of railroad situated wholly or mainly within the limits of North Dakota. Records and papers of the office of the public examiner of the second district of the Territory. Records and papers of the office of the district board of agriculture. Records and papers in the office of the board of pharmacy of the district of North Dakota.

All records, books and archives of the Territory of Dakota which it is not herein agreed shall be the property of North Dakota, shall be the property of South Dakota.



The following books shall be copied, and the copies shall be the property of North Dakota, and the cost of such copies shall be borne equally by said States of North Dakota and South Dakota. That is to say:

Appropriation ledger for years ending November, 1889-90—one volume.

The Auditor's current warrant register—one volume.

Insurance record for 1889—one volume.

Treasurer's cash book, "D."

Assessment ledger, "B."

Dakota Territory bond register—one volume.

Treasurer's current ledger—one volume.

The originals of the foregoing volumes which are to be copied shall at any time after such copying shall have been completed be delivered on demand to the proper authorities of the State.

Sec. 23. This Constitution shall after its enrollment be signed by the President of this Convention and the chief clerk thereof and such delegates as desire to sign the same, whereupon it shall be deposited in the office of the Secretary of the Territory, where it may be signed at any time by any delegate who shall be prevented from signing the same for any reasons at the time of the adjournment of this convention.

Sec. 24. In case the Territorial officers of the Territory of Dakota, or any of them who are now required by law to report to the Governor of the Territory, annually or biennially, shall prepare and publish such reports covering the transactions of their offices up to the time of the admission of the State of North Dakota into the Union, the legislative assembly shall make sufficient appropriations to pay one-half of the cost of such publication.

Sec. 25. The Governor and Secretary of the Territory are hereby authorized to make arrangements for the meeting of the first legislative assembly, and the inauguration of the State government.

Sec. 26. The legislative assembly shall provide for the editing, and for the publication, in an independent volume, of this Constitution, as soon as it shall take effect, and whenever it shall be altered or amended, and shall cause to be published in the same volume the Declaration of Independence, the Constitution of the United States and the Enabling Act.



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CONSTITUTION  
OF THE  
STATE OF OHIO.

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# CONSTITUTION OF THE STATE OF OHIO.

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## Article.

1. Bill of rights.
  2. Legislative.
  3. Executive.
  4. Judicial.
  5. Elective franchise.
  6. Education.
  7. Public institutions.
  8. Public debt and public works.
  9. Militia.
  10. County and township organization.
  11. Apportionment.
  12. Finance and taxation.
  13. Corporations.
  14. Jurisprudence.
  15. Miscellaneous.
  16. Amendments.
- Schedule.  
Preamble.

## ARTICLE I.

### *Bill of Rights.*

## Section.

1. All men are by nature free and have certain inalienable rights.
2. Political power inherent in the people.—Object of government, right to alter and reform it.
3. The people have the right to meet together peaceably to consult for the common good.
4. Right to bear arms for defense and security.—Standing armies forbidden.—Military subordinate to civil power.
5. Right of trial by jury.
6. Slavery forbidden.
7. Religious freedom; test oaths not to be required, witnesses not to be excluded on account of religion.
8. Writ of habeas corpus.
9. Excessive bail and fines and cruel punishments forbidden.
10. Rights of persons accused of crimes, witnesses, counsel, may

## Section.

- not be tried twice for the same offense.
11. Freedom of speech and of the press.—Trials for libel.
  12. Transportation for crime forbidden.—Conviction not to work corruption of blood or forfeiture of estate.
  13. Quartering of soldiers.
  14. Exemption from illegal seizures and searches.
  15. No imprisonment for debt in any civil action, or mesne or final process, except fraud.
  16. Right of Justice Courts to be open.
  17. Hereditary emoluments, honors or privileges not to be granted.
  18. Laws may be suspended only by General Assembly.
  19. Private property taken for public use to receive just compensation.
  20. Other rights not denied or impaired, and all powers not herein delegated to remain with the people.

## ARTICLE II.

### *Legislature.*

1. Legislative power vested in General Assembly.—How composed.
2. Senators and Representatives to be elected biennially.
3. Residence of the same.
4. Persons holding office under the United States or lucrative offices in the State, not eligible to Legislature.—Exceptions.
5. Persons convicted of embezzlement of public funds and non-accounting holders of public moneys are debarred from office.

**Section**

6. Each house to judge of the returns of its own members.—Quorum.—Powers of the minority.
7. Organization of house to be prescribed by law.
8. Each house to choose its own officers.—May punish members.—Power of expulsion.
9. Each house to keep a journal.—Majority of all members elect must concur in the passage of laws.
10. Right of entering protest in journal.
11. Vacancies in either house, how filled.
12. Privileges of Senators and Representatives from arrest, freedom of debate.
13. Proceedings to be public unless two-thirds require secrecy.
14. Adjournments restricted.
15. Bills may originate in either house.—They shall embrace but one subject.
16. Every bill shall be distinctly read.—No bill shall contain more than one subject.
17. Signature of bills and joint ed must concur in the passage of laws.
18. Style of laws.
19. Senators and Representatives not eligible to certain offices during term nor for one year after.
20. General Assembly to fix terms of office and compensation, salaries not to be affected during term.
21. Contested elections to be determined as the law may provide.
22. No money to be drawn from the Treasury except by laws.
23. The house to have sole power of impeachment.—Tried by Senate.—Concurrence of two-thirds necessary for conviction.
24. Officers who may be impeached, limit of judgments.
25. Beginning of sessions, first session.

**Section.**

26. General laws to be uniform in their operation.
27. The election of officers in the filling of vacancies not otherwise provided for, to be made according to law.—The vote to be viva voce.
28. General laws to be passed for certain purposes.
29. Extra compensation to contractors and public officers forbidden.
30. Limit in formation of counties, removal of county seats.
31. Pay of officers and members of General Assembly to be fixed, extra pay in any form not allowed.
32. Divorces not to be granted by General Assembly.

**ARTICLE III.***Executive.*

1. Officers included in executive department.—Time of their election.
2. Terms of certain officers of the same.
3. Election of return of officers of the same.—In case of tie how decided.
4. Proceeding in case of non-session.—The General Assembly January next after election.
5. Supreme executive power vested in the Governor.
6. He may require information of officers in the executive department.—He is to see that the laws are faithfully executed.
7. He is to communicate by message.
8. May, on extraordinary occasions, convene the General Assembly.
9. May adjourn General Assembly in case of disagreement.
10. To be commander-in-chief of militia.
11. Pardoning power, limited in cases of treason or impeachment.

Section

12. Great seal to be kept by Governor.
13. Grants and commissions, how sealed and signed.
14. What persons may not act as Governor.
15. In case of vacancy, the duties to devolve on Lieutenant-Governor.
16. Lieutenant-Governor to be President of the Senate.—Casting vote.—To act as Governor in case of vacancy.
17. President of Senate to act as Governor in a certain case.
18. Governor may fill certain offices of executive department till disability is removed or election held.
19. Pay of officers of executive department.
20. Officers of executive department to report to Governor before each regular session of General Assembly.

ARTICLE IV.

*Judicial.*

1. Judicial power, how vested.
2. Supreme Court, how composed, jurisdiction and terms, election of judges.
3. Nine Common Pleas districts to be formed, terms, etc.
4. Jurisdiction of Courts of Common Pleas and of judges to be fixed by law.
5. District Courts, how formed.—To be held in each county.
6. Jurisdiction of District Courts.
7. A Probate Court to be established in each county, to be a Court of Record, open at all times.—Salary to be paid by the county.
8. Jurisdiction of Probate Courts.
9. Justices of the Peace to be elected, terms and powers to be fixed by law.
10. All judges other than those provided in the Constitution to be elected.—Terms not to exceed five years.

Section

11. Classification of judges of Supreme Court.
12. Judges of the Court of Common Pleas to reside in their districts.
13. Vacancies in office of judge to be filled by Governor.
14. Salaries of judges not to be increased or diminished, they hold no other office.
15. General Assembly may increase or diminish number of judges, may establish other courts, but not to vacate the office of any judge.
16. Court of Common Pleas to have a clerk elected from each county, his terms and duties.
17. Removal of judges from office.
18. Judges to have powers and jurisdiction of Chambers, as may be directed by law.
19. Courts of Conciliation may be established, parties to agree to abide by their judgment.
20. Style of process.

ARTICLE V.

*Elective Franchise.*

1. Qualifications of electors.
2. Elections to be by ballot.
3. Privilege of electors from arrest at elections.
4. Exclusion from voting for bribery, perjury or other infamous crime.
5. Persons in military, marine or naval service not to acquire residence by being officially stationed.
6. Idiots and insane persons may not vote.

ARTICLE VI.

*Education.*

1. Funds granted, or intrusted to State for educational and religious purposes to be inviolate.
2. Funds to be provided for maintaining schools.—No sect to have control of school funds.

**ARTICLE VII.***Public Institutions.***Section**

1. Institutions for insane, deaf and dumb to be fostered and supported.
2. Election of Directors of Penitentiary and trustees of other State institutions appointed by Governor and Senate.
3. Governor may fill vacancies in offices aforesaid until successors are appointed.

**ARTICLE VIII.***Public Debt and Public Works.*

1. Restrictions on the formation of State debts.
2. Debts to repel invasion and suppress insurrection.—To redeem present indebtedness.—Debts payable from sinking fund.
3. With these exceptions, no debts shall be created by the State.
4. State credit not to be given or loaned.—May not become a stockholder in any company.
5. State not to assume county or other local debts, except in time of war.
6. State not to authorize any county, city or township to become a stockholder, or to raise money or to loan credit to corporations.
7. Faith of State pledge for payment of public debt.—Sinking fund.
8. Commissioners of the sinking fund, how organized.
9. Duties of these commissioners, to estimate and make provision for raising and disbursing the fund.
10. Duty to apply fund to the payment of interest and principal of debt.
11. To report semi-annually to the Governor.—To report to Legislature.
12. Board of Public Works.—Members to be elected.
13. Powers and duties of Board of

**Section**

Public Works to be fixed by law.

**ARTICLE IX.***Militia.*

1. Persons liable to military duty.
2. Officers elected by persons subject to military duty.
3. Appointment of staff officers.—Non-commissioned officers and musicians.
4. Officers to be commissioned by Governor.—He may call out militia, execute the laws, suppress insurrection and repel invasion.
5. General Assembly shall provide by law for the safe keeping and protection of public arms.

**ARTICLE X.***County and Township Organization.*

1. General Assembly to provide for election of county and township officers.
2. Time of elections.—Term not to exceed three years.
3. Sheriffs and county treasurers, not to hold more than four years in six.
4. Election of township officers.—Time.—Towns.
5. Money to be paid from county or township treasury only by law.
6. Removal of justices of the peace and county and township officers.
7. Powers of commissioners and counties.—Trustees of townships are to be fixed by law.

**ARTICLE XI.***Apportionment.*

1. To be made once in ten years after 1851.
2. Ratio of counties for Representatives.—How adjusted.
3. Fractions.—How assigned.—Rule prescribed.
4. Counties.—when entitled to separate representation.—Changes only to be made at regular decennial periods.



Section

5. Counties falling below the new ratios to be attached to other counties for representation.
6. Ratios for Senators, how ascertained.
7. Present Senatorial districts.
8. Rule for apportioning of Senatorial districts to be similar to that for Representatives.
9. Counties, when entitled to separate Senatorial representation.
10. First apportionment of Representatives to be as provided in schedule.
11. Governor, Auditor and Secretary of State to determine the ratio of causes to be published.—Judicial apportionment.
12. Present judicial districts.
13. New counties to be attached to such districts, as may be most convenient.

ARTICLE XII.

*Finance and Taxation.*

1. Poll taxes forbidden.
2. Taxation to be uniform.—Public property exempted.—Personal property to what extent exempted.
3. Taxation upon banks and banking.
4. Revenue to be raised sufficient to defray expenses of State and interest on State debt.
5. No tax to be levied except by law.—The object of every tax. Law to be specified.
6. State not to contract debt for internal improvements.

ARTICLE XIII.

*Corporations.*

1. General Assembly to pass no special act conferring corporate powers.
2. Corporations may be formed under general laws.—Such laws may be altered or repealed.
3. Dues from corporations, how secured.—Liability of stockholders.

Section

4. Property of corporations liable to taxation the same as of individuals.
5. No right of way to be appropriated until full compensation in money is paid.
6. Organization of cities and villages by general laws.—Restrictions upon their credit.
7. Laws authorizing banking powers to be submitted to the people.

ARTICLE XIV.

*Jurisprudence.*

1. Three commissioners to be appointed.—Their tenure, pay and mode of filling vacancies to be fixed.
2. To revise, reform, simplify and abridge the practice, pleadings, forms and proceedings of Courts of Record.
3. Proceedings of Commissioners to be reported to General Assembly.

ARTICLE XV.

*Miscellaneous.*

1. Columbus to be the seat of government until otherwise directed by law.
2. Public printing to be let on contract to the lowest responsible bidder.
3. Receipts and expenditures to be published.
4. None but electors to hold office.
5. Duelling to disqualify from holding office.
6. Lotteries illegal.
7. Oath of office to be taken before entering upon duties.
8. Bureau of Statistics to be established in Secretary's office.

ARTICLE XVI.

*Amendments.*

1. Amendments, how made by the General Assembly.—To be submitted to the people at elections.

**Section**

2. Conventions.—How called to revise Constitution.
3. Question of a convention to be submitted in 1871 and every twentieth year thereafter.

**SCHEDULE.**

1. Laws in force September 1, 1851, continued until amended if not inconsistent with the Constitution.
2. First election of members to General Assembly.
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5. Certain officers not otherwise provided for to continue in office until terms expire, unless otherwise provided by the General Assembly.
6. Superior and Commercial Courts of Cincinnati, and Superior Court in Cleveland continued, but not after second Monday in February, 1853.
7. County and township officers continued until expiration of terms.
8. Vacancies in office after September 1, 1851, to be filled as law now directs, etc.

**Section**

9. Constitution to take effect September 1, 1851.
10. All officers to continue until successors are chosen and qualified.
11. Suits pending in Supreme Court in banc to be transferred to the Supreme Court under this Constitution.
12. District Courts in counties to be successors of the present Supreme Court.
13. Courts of Common Pleas to be successors of present Courts of Common Pleas.
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15. Elections to be held and returned, as provided, for Governor until otherwise provided by law.
16. Where two counties adjourn, the returns to be made to the county having the largest population.
17. Constitution to be submitted to the electors.
18. Separate submission of license question.
19. Present apportionment of House of Representatives.

**PREAMBLE.**

We, the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this Constitution.

**ARTICLE I.***Bill of Rights.*

Section 1. All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and seeking and obtaining happiness and safety.

Sec. 2. All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they

have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted, that may not be altered, revoked, or repealed by the General Assembly.

Sec. 3. The people have the right to assemble together, in a peaceable manner, to consult for their common good; to instruct their Representatives; and to petition the General Assembly for the redress of grievances.

Sec. 4. The people have the right to bear arms for their defense and security; but standing armies in time of peace are dangerous to liberty, and shall not be kept up; and the military shall be in strict accordance to the civil power.

Sec. 5. The right of trial by jury shall be inviolate.

Sec. 6. There shall be no slavery in this State, nor involuntary servitude, unless for the punishment of crime.

Sec. 7. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

Sec. 8. The privilege of the writ of habeas corpus shall not be suspended, unless in cases of rebellion or invasion the public safety require it.

Sec. 9. All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident, or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

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Sec. 10. Except in cases of impeachment, and cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and in cases of petit larceny and

other inferior offenses, no person shall be held to answer for a capital, or otherwise infamous, crime, unless on presentment or indictment of a grand jury. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed; nor shall any person be compelled, in any criminal case, to be a witness against himself, or be twice put in jeopardy for the same offense.

Sec. 11. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

Sec. 12. No person shall be transported out of the State for any offense committed within the same; and no conviction shall work corruption of blood, or forfeiture of estate.

Sec. 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, except in the manner prescribed by law.

Sec. 14. The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized.

Sec. 15. No person shall be imprisoned for debt in any civil action, or mesne or final process, unless in cases of fraud.

Sec. 16. All courts shall be open, and every person, for an injury done him in his land, goods, person or reputation, shall have remedy by due course of law; and justice administered without denial or delay.

Sec. 17. No hereditary emoluments, honors, or privileges, shall ever be granted or conferred by this State.

Sec. 18. No power of suspending laws shall ever be exercised, except by the General Assembly.

Sec. 19. Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure, or for the purpose of making or repairing roads, which shall be open to the public, without charge, a compensation shall be made to the owner, in money, and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money, and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.

Sec. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people ; and all powers, not herein delegated, remain with the people.

## ARTICLE II

### *Legislative.*

Section 1. The legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Sec. 2. Senators and Representatives shall be elected biennially by the electors of the respective counties or districts, on the first Tuesday after the first Monday in November ; their term of office shall commence on the first day of January next thereafter, and continue two years.

Sec. 3. Senators and Representatives shall have resided in their respective counties or districts one year next preceding their election, unless they shall have been absent on the public business of the United States or this State.

Sec. 4. No person holding office under the authority of the United States, or any lucrative office under the authority of this State, shall be eligible to or have a seat in the General Assembly ; but this provision shall not extend to township officers, justices of the peace, notaries public, or officers of the militia.

Sec. 5. No person hereafter convicted of an embezzlement of the public funds shall hold any office in this State ; nor shall any person holding public money for distribution or otherwise, have a seat in the General Assembly until he shall have accounted for and paid such money into the treasury.

Sec. 6. Each house shall be judge of the election, returns, and qualifications of its own members ; a majority of all the

members elected to each house shall be a quorum to do business ; but a less number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as shall be prescribed by law.

Sec. 7. The mode of organizing the House of Representatives, at the commencement of each regular session, shall be prescribed by law.

Sec. 8. Each house, except as otherwise provided in this Constitution, shall choose its own officers, may determine its own rules of proceeding, punish its members for disorderly conduct; and with the concurrence of two-thirds, expel a member, but not the second time for the same cause ; and shall have all other powers necessary to provide for its safety, and the undisturbed transaction of its business.

Sec. 9. Each house shall keep a correct journal of its proceedings, which shall be published. At the desire of any two members, the yeas and nays shall be entered upon the journal ; and, on the passage of every bill, in either house, the vote shall be taken by yeas and nays, and entered upon the journal ; and no law shall be passed in either house without the concurrence of a majority of all the members elected thereto.

Sec. 10. Any member of either house shall have the right to protest against any act or resolution thereof ; and such protest, and the reason therefor, shall, without alteration, commitment, or delay, be entered upon the journal.

Sec. 11. All vacancies which may happen in either house shall, for the unexpired term, be filled by election, as shall be directed by law.

Sec. 12. Senators and Representatives, during the session of the General Assembly, and in going to and returning from the same, shall be privileged from arrest in all cases except treason, felony, or breach of the peace ; and for any speech or debate, in either house, they shall not be questioned elsewhere.

Sec. 13. The proceedings of both houses shall be public, except in cases which, in the opinion of two-thirds of those present, require secrecy.

Sec. 14. Neither house shall, without the consent of the other, adjourn for more than two days, Sundays excluded ; nor to any other place than that in which the two houses shall be in session.



Sec. 15. Bills may originate in either house ; but may be altered, amended, or rejected in the other.

Sec. 16. Every bill shall be fully and distinctly read on three different days ; unless, in case of urgency, three-fourths of the house in which it shall be pending, shall dispense with this rule. No bill shall contain more than one subject, which shall be clearly expressed in its title, and no law shall be revived or amended unless the new act contain the entire act revived, or the section or sections amended, and the section or sections so amended shall be repealed.

Sec. 17. The presiding officer of each house shall sign publicly, in the presence of the house over which he presides, while the same is in session, and capable of transacting business, all bills and joint resolutions passed by the General Assembly.

Sec. 18. The style of the laws of this State shall be, "Be it enacted by the General Assembly of the State of Ohio."

Sec. 19. No Senator or Representative shall, during the term for which he shall have been elected, or for one year thereafter, be appointed to any civil office under this State which shall be created or the emoluments of which shall have been increased during the term for which he shall have been elected.

Sec. 20. The General Assembly in cases not provided for in this Constitution, shall fix the term of office and the compensation of all offices; but no charge therein shall affect the salary of any officer during his existing term, unless the office be abolished.

Sec. 21. The General Assembly shall determine, by law, before what authority, and in what manner, the trial of contested elections shall be conducted.

Sec. 22. No money shall be drawn from the treasury, except in pursuance of a specific appropriation, made by law ; and no appropriation shall be made for a longer period than two years.

Sec. 23. The House of Representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the Senate ; and the Senators when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the Senators. •

Sec. 24. The Governor, judges, and all State officers, may be impeached for any misdemeanor in office ; but judgment shall not extend further than removal from office, and disqualification to hold any office, under the authority of this State. The party impeached, whether convicted or not, shall be liable to indictment, trial and judgment, according to law.

Sec. 25. All regular sessions of the General Assembly shall commence on the first Monday of January biennially.

Sec. 26. All laws, of a general nature, shall have a uniform operation throughout the State ; nor shall any act, except such as relates to public schools, be passed, to take effect upon the approval of any other authority than the General Assembly, except as otherwise provided in this Constitution.

Sec. 27. The election and appointment of all officers, and the filling of all vacancies not otherwise provided for by this Constitution, or the Constitution of the United States, shall be made in such manner as may be directed by law, but no appointing power shall be exercised by the General Assembly, except as prescribed in this Constitution, and in the election of United States Senators ; and in these cases the vote shall be taken "viva voce."

Sec. 28. The General Assembly shall have no power to pass retroactive laws, or laws impairing the obligation of contracts ; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties and officers, by curing omissions, defects and errors in instruments and proceedings arising out of their want of conformity with the laws of this State.

Sec. 29. No extra compensation shall be made to any officer, public agent, or contractor after the services shall have been rendered or the contract entered into ; nor shall any money be paid, on any claim, the subject matter of which shall not have been provided for by pre-existing law, unless such compensation or claim be allowed by two-thirds of the members elected to each branch of the General Assembly.

Sec. 30. No new county shall contain less than four hundred square miles of territory, nor shall any county be reduced below that amount ; and all laws creating new counties, changing county lines, or removing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected

thereby, at the next general election after the passage thereof, and be adopted by a majority of all the electors voting at such election, in each of said counties ; but any county now or hereafter containing one hundred thousand inhabitants, may be divided whenever a majority of the voters residing in each of proposed divisions shall approve of the law passed for that purpose ; but no town or city within the same shall be divided, nor shall either of the divisions contain less than twenty thousand inhabitants.

Sec. 31. The members and officers of the General Assembly shall receive a fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise ; and no change in their compensation shall take effect during their term of office.

Sec. 32. The General Assembly shall grant no divorce, nor exercise any judicial power not herein expressly conferred.

### ARTICLE III.

#### *Executive.*

Sec. 1. The executive department shall consist of a Governor, Lieutenant-Governor, Secretary of State, Auditor of State, Treasurer of State, and an Attorney-General, who shall be elected on the first Tuesday after the first Monday in November, by the electors of the State, and at the places of voting for members of the General Assembly. .

Sec. 2. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, and Attorney-General shall hold their offices for two years, and the Auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

Sec. 3. The returns of every election for the officers named in the foregoing section shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the president of the Senate, who, during the first week of the session, shall open and publish them, and declare the result, in the presence of a majority of the members of each house of the General Assembly. The person having the highest number of votes shall be declared duly elected ; but if any two or more shall be highest,

and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses.

Sec. 4. Should there be no session of the General Assembly in January next after an election for any of the offices aforesaid, the returns of such election shall be made to the Secretary of State, and opened and the result declared by the Governor, in such manner as may be provided by law.

Sec. 5. The supreme executive power of this State shall be vested in the Governor.

Sec. 6. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

Sec. 7. He shall communicate at every session, by message, to the General Assembly, the condition of the State, and recommend such measures as he shall deem expedient.

Sec. 8. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they have been convened.

Sec. 9. In case of a disagreement between the two houses in respect to the time of adjournment, he shall have power to adjourn the General Assembly to such time as he may think proper, but not beyond the regular meetings thereof.

Sec. 10. He shall be commander-in-chief of the military and naval forces of the State, except when they shall be called into the service of the United States.

Sec. 11. He shall have power, after conviction, to grant reprieves, commutations and pardons for all crimes and offenses, except treason and cases of impeachment, upon such conditions as he may think proper; subject, however, to such regulations, as to the manner of applying for pardons, as may be prescribed by law. Upon conviction for treason he may suspend the execution of the sentence and report the case to the General Assembly, at its next meeting, when the General Assembly shall either pardon, commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the General Assembly, at every regular session, each case of reprieve, com-

mutation, or pardon, granted, stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve, with his reasons therefor.

Sec. 12. There shall be a seal of the State, which shall be kept by the Governor, and used by him officially ; and shall be called "The Great Seal of the State of Ohio."

Sec. 13. All grants and commissions shall be issued in the name and by the authority of the State of Ohio ; sealed with the great seal ; signed by the Governor, and countersigned by the Secretary of State.

Sec. 14. No member of Congress, or other person holding office under the authority of this State, or of the United States, shall execute the office of Governor, except as herein provided.

Sec. 15. In case of the death, impeachment, resignation, removal, or other disability of the Governor, the powers and duties of the office, for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant-Governor.

Sec. 16. The Lieutenant-Governor shall be president of the Senate, but shall vote when the Senate is equally divided ; and in case of his absence or impeachment, or when he shall exercise the office of Governor, the Senate shall choose a president pro tempore.

Sec. 17. If the Lieutenant-Governor, while executing the office of Governor, shall be impeached, displaced, resign or die, or otherwise become incapable of performing the duties of the office, the president of the Senate shall act as Governor until the vacancy is filled, or the disability removed ; and if the president of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the speaker of the House of Representatives.

Sec. 18. Should the office of Auditor, Treasurer, Secretary, or Attorney-General, become vacant, for any of the causes specified in the fifteenth section of this article, the Governor shall fill the vacancy until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than

thirty days after it shall have happened ; and the person chosen shall hold the office for the full term fixed in the second section of this article.

Sec. 19. The officers mentioned in this article shall, at stated times, receive for their services, a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

Sec. 20. The officers of the executive department and of the public State institutions shall, at least five days preceding each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly.

#### ARTICLE IV.

##### *Judicial.*

Section 1. The judicial power of the State is vested in a Supreme Court, Circuit Courts, Courts of Common Pleas, Courts of Probate, justices of the peace, and such other courts inferior to the Supreme Court, as the General Assembly may, from time to time, establish.

Sec. 2. The Supreme Court shall, until otherwise provided by law, consist of five judges, a majority of whom competent to sit shall be necessary to form a quorum or to pronounce a decision, except as hereinafter provided. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus and procedendo, and such appellate jurisdiction as may be provided by law. It shall hold at least one term in each year at the seat of government, and such other terms, there or elsewhere, as may be provided by law. The judges of the Supreme Court shall be elected by the electors of the State at large, for such term, not less than five years, as the General Assembly may prescribe, and they shall be elected and their official term shall begin at such time as may be fixed by law. In case the General Assembly shall increase the number of such judges, the first term of each of such additional judges shall be such, that in each year after their first election, an equal number of judges of the Supreme Court shall be elected, except in elections to fill vacancies ; and whenever the number of such judges shall be increased, the General Assembly may authorize such court to organize divisions thereof, not exceeding three, each division to consist of an equal

number of judges; for the adjudication of cases, a majority of each division shall constitute a quorum, and such an assignment of the cases to each division may be made as such court may deem expedient, but whenever all the judges of either division hearing a case shall not concur as to the judgment to be rendered therein, or wherever a case shall involve the constitutionality of an act of the General Assembly or an act of Congress, it shall be reserved to the whole court for adjudication.

Sec. 3. The State shall be divided into nine common pleas districts, of which the county of Hamilton shall constitute one, of compact territory, and bounded by county lines, and each of said districts, consisting of three or more counties, shall be subdivided into three parts of compact territory bounded by county lines, and as nearly equal in population as practicable; in each of which, one judge of the Court of Common Pleas for said district, and residing therein, shall be elected by the electors of said sub-division. Courts of Common Pleas shall be held by one or more of these judges, in every county in the district, as often as may be provided by law; and more than one court, or sitting thereof, may be held at the same time in each district.

Sec. 4. The jurisdiction of the Court of Common Pleas, and the judges thereof, shall be fixed by law.

Sec. 5. (Repealed October 9, 1883; 80 v. 382.)

Sec. 6. The Circuit Court shall have like original jurisdiction with the Supreme Court, and such appellate jurisdiction as may be provided by law. Such courts shall be composed of such numbers of judges as may be provided by law, and shall be held in each county at least once in each year. The number of circuits, and the boundaries thereof, shall be prescribed by law. Such judges shall be elected in each circuit by the electors thereof, and at such time and for such term as may be prescribed by law, and the same number shall be elected in each circuit. Each judge shall be competent to exercise his judicial powers in any circuit. The General Assembly may change, from time to time, the number or boundaries of the circuits.

Sec. 7. There shall be established in each county a Probate Court, which shall be a court of record, open at all times, and holden by one judge, elected by the voters of the county, who shall hold his office for the term of three years, and shall receive such compensation, payable out of the county treasury, or by fees, or both, as shall be provided by law.

Sec. 8. The Probate Court shall have jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of the accounts of executors, administrators and guardians, and such jurisdiction in habeas corpus, the issuing of marriage licenses, and for the sale of land by executors, administrators and guardians, and such other jurisdiction in any county or counties as may be provided by law.

Sec. 9. A competent number of justices of the peace shall be elected, by the electors, in each township in the several counties. Their term of office shall be three years, and their powers and duties shall be regulated by law.

Sec. 10. All judges, other than those provided for in this Constitution, shall be elected by the electors of the judicial district for which they may be created, but not for a longer term of office than five years.

Sec. 11. (Repealed October 9, 1883; 80 v. 382.)

Sec. 12. The judges of the Courts of Common Pleas shall, while in office, reside in the district for which they are elected; and their term of office shall be for five years.

Sec. 13. In case the office of any judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the Governor, until a successor is elected and qualified; and such successor shall be elected for the unexpired term, at the first annual election that occurs more than thirty days after the vacancy shall have happened.

Sec. 14. The judges of the Supreme Court (of the Circuit Court), and of the Court of Common Pleas, shall, at stated times, receive for their services, such compensation as shall be provided by law, which shall not be diminished, or increased, during their term of office; but they shall receive no fees or perquisites, nor hold any other office of profit or trust under the authority of this State, or the United States. All votes for either of them, for any elective office, except a judicial office, under the authority of this State, given by the General Assembly, or the people, shall be void.

Sec. 15. The General Assembly may increase, or diminish, the number of the judges of the Supreme Court, the number of the districts of the Court of Common Pleas, the number of judges



in any district, change the districts, or subdivisions thereof, or establish other courts, whenever two-thirds of the members elected to each house shall concur therein; but no such change, addition or diminution shall vacate the office of any judge.

Sec. 16. There shall be elected in each county, by the electors thereof, one clerk of the Court of Common Pleas, who shall hold his office for the term of three years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all other courts of record held therein; but the General Assembly may provide, by law, for the election of a clerk, with a like term of office, for each or any other of the courts of record, and may authorize the judge of the Probate Court to perform the duties of clerk for his court, under such regulations as may be directed by law. Clerks of courts shall be removable for such cause and in such manner as shall be prescribed by law.

Sec. 17. Judges may be removed from office by concurrent resolution of both houses of the General Assembly, if two-thirds of the members elected to each house concur therein; but no such removal shall be made, except upon complaint, the substance of which shall be entered on the journal, nor, until the party charged shall have had notice thereof, and an opportunity to be heard.

Sec. 18. The several judges of the Supreme Court (of the Circuit Court), of the Common Pleas (Court), and of such other courts as may be created, shall, respectively, have and exercise such power and jurisdiction, at chambers or otherwise, as may be directed by law.

Sec. 19. The General Assembly may establish courts of conciliation, and prescribe their powers and duties; but such courts shall not render final judgment in any case, except upon submission, by the parties, of the matter in dispute, and their agreement to abide such judgment.

Sec. 20. The style of all process shall be "The State of Ohio;" all prosecutions shall be carried on in the name and by the authority of the State of Ohio; and all indictments shall conclude, "against the peace and dignity of the State of Ohio."

Sec. 21. A commission, which shall consist of five members, shall be appointed by the Governor, with the advice and consent of the Senate, the members of which shall hold office for the

term of three years from and after the first day of February, 1876, to dispose of such part of the business then on the dockets of the Supreme Court as shall, by arrangement between said commission and said court, be transferred to such commission; and said commission shall have like jurisdiction and power in respect to such business as are or may be vested in said court; and the members of said commission shall receive a like compensation for the time being with the judges of the said court. A majority of the members of said commission shall be necessary to form a quorum or pronounce a decision, and its decision shall be certified, entered and enforced as the judgments of the Supreme Court, and at the expiration of said commission all business undisposed of shall by it be certified to the Supreme Court, and disposed of as if said commission had never existed. The clerk and reporter of said court shall be the clerk and reporter of said commission, and the commission shall have such other attendants, not exceeding in number those provided by law for said court, which attendants said commission may appoint and remove at its pleasure. Any vacancy occurring in said commission shall be filled by appointment of the Governor, with the advice and consent of the Senate, if the Senate be in session; and if the Senate be not in session, by the Governor; but in such last case, such appointment shall expire at the end of the next session of the General Assembly. The General Assembly may, on application of the Supreme Court, duly entered on the journal of the court and certified, provide by law, whenever two-thirds of each house shall concur therein, from time to time, for the appointment in like manner of a like commission with like powers, jurisdiction and duties: Provided, That the term of any such commission shall not exceed two years, nor shall it be created oftener than once in ten years.

#### ARTICLE V.

##### *Elective Franchise.*

Section 1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county, township or ward in which he resides, such time as may be provided by law, shall have the qualifications of an elector, and be entitled to vote at all elections.

Sec. 2. All elections shall be by ballot.

Sec. 3. Electors during their attendance at elections, and in going to and returning therefrom, shall be privileged from arrest in all cases except treason, felony and breach of the peace.

Sec. 4. The General Assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury or other infamous crime.

Sec. 5. No person in the military, naval or marine service of the United States, shall, by being stationed in any garrison, military or naval station, within the State, be considered a resident of this State.

Sec. 6. No idiot or insane person shall be entitled to the privileges of an elector.

#### ARTICLE VI.

##### *Education.*

Section 1. The principal of all funds arising from the sale or other disposition of lands or other property granted or intrusted to this State for educational or religious purposes, shall forever be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations.

Sec. 2. The General Assembly shall make such provisions by taxation or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State, but no religious or other sect or sects shall ever have any exclusive right to, or control of, any part of the school funds of this State.

#### ARTICLE VII.

##### *Public Institutions.*

Section 1. Institutions for the benefit of the insane, blind and deaf and dumb shall always be fostered and supported by the State, and be subject to such regulations as may be prescribed by the General Assembly.

Sec. 2. The directors of the penitentiary shall be appointed or elected in such manner as the General Assembly may direct; and the trustees of the benevolent and other State institutions now elected by the General Assembly, and of such other State institutions as may be hereafter created, shall be appointed by

who shall immediately cause the same to be published, and shall also communicate the same to the General Assembly forthwith, if it be in session, and if not, then at its first session, after such report shall be made.

Sec. 12. So long as this State shall have public works which require superintendence, there shall be a Board of Public Works, to consist of three members, who shall be elected by the people at the first general election after the adoption of this Constitution, one for the term of one year, and one for the term of two years, and one for the term of three years; and one member of said board shall be elected annually thereafter, who shall hold his office for three years.

Sec. 13. The powers and duties of said Board of Public Works, and its several members, and their compensation, shall be such as now are, or may be, prescribed by law.

#### ARTICLE IX.

##### *Military.*

Section 1. All white male citizens, residents of this State, being eighteen years of age, and under the age of forty-five years, shall be enrolled in the militia, and perform military duty, in such manner not incompatible with the Constitution and laws of the United States, as may be prescribed by law.

Sec. 2. Majors-general, brigadiers-general, colonels, lieutenant-colonels, majors, captains and subalterns shall be elected by the persons subject to military duty, in their respective districts.

Sec. 3. The Governor shall appoint the adjutant-general, quartermaster-general and such other staff officers as may be provided for by law. Majors-general, brigadiers-general, colonels, or commandants of regiments, battalions or squadrons, shall, severally, appoint their staff, and captains shall appoint their non-commissioned officers and musicians.

Sec. 4. The Governor shall commission all officers of the line and staff, ranking as such; and shall have power to call forth the militia to execute the laws of the State, to suppress insurrection and repel invasion.

Sec. 5. The General Assembly shall provide, by law, for the protection and safe-keeping of the public arms.

ARTICLE X.

*County and Township Organizations.*

Section 1. The General Assembly shall provide, by law, for the election of such county and township officers as may be necessary.

Sec. 2. County officers shall be elected on the first Tuesday after the first Monday in November, by the electors in each county, in such manner and for such term, not exceeding three years, as may be provided by law.

Sec. 3. No person shall be eligible to the office of sheriff, or county treasurer, for more than four years, in any period of six years.

Sec. 4. Township officers shall be elected by the electors of each township at such time, in such manner, and for such term, not exceeding three years, as may be provided by law; but shall hold their offices until their successors are elected and qualified.

Sec. 5. No money shall be drawn from any county or township treasury except by authority of law.

Sec. 6. Justices of the peace and county and township officers may be removed in such manner and for such cause as shall be prescribed by law.

Sec. 7. The commissioners of counties, the trustees of townships and similar boards shall have such power of local taxation for police purposes, as may be prescribed by law.

ARTICLE XI.

*Apportionment.*

Section 1. The apportionment of this State for members of the General Assembly shall be made every ten years, after the year one thousand eight hundred and fifty-one, in the following manner: The whole population of the State, as ascertained by the federal census, or in such other mode as the General Assembly may direct, shall be divided by the number "one hundred," and the quotient shall be the ratio of representation in the House of Representatives, for ten years next succeeding such apportionment.

Sec. 2. Every county having a population equal to one-half of said ratio shall be entitled to one Representative; every county

containing said ratio and three-fourths over shall be entitled to two Representatives; every county containing three times said ratio shall be entitled to three Representatives, and so on, requiring after the first two an entire ratio for each additional Representative.

Sec. 3. When any county shall have a fraction above the ratio, so large that, being multiplied by five, the result will be equal to one or more ratios, additional Representatives shall be apportioned for such ratios, among the several sessions of the decennial period, in the following manner: If there be only one ratio, a Representative shall be allotted to the fifth session of the decennial period; if there are two ratios, a Representative shall be allotted to the fourth and third sessions, respectively; if three, to the third, second and first sessions, respectively; if four, to the fourth, third, second and first sessions, respectively.

Sec. 4. Any county forming with another county or counties a Representative district during one decennial period, if it have acquired sufficient population at the next decennial period, shall be entitled to a separate representation, if there shall be left, in the district from which it shall have been separated, a population sufficient for a Representative; but no such change shall be made, except at the regular decennial period for the apportionment of Representatives.

Sec. 5. If, in fixing any subsequent ratio, a county previously entitled to a separate representation shall have less than the number required by the new ratio for a Representative, such county shall be attached to the county adjoining it, having the least number of inhabitants; and the representation of the district so formed shall be determined as herein provided.

Sec. 6. The ratio for a Senator shall forever, hereafter, be ascertained, by dividing the whole population of the State by the number thirty-five.

Sec. 7. The State is hereby divided into thirty-three senatorial districts, as follows: The county of Hamilton shall constitute the first senatorial district; the counties of Butler and Warren, the second; Montgomery and Preble, the third; Clermont and Brown, the fourth; Greene, Clinton and Fayette, the fifth; Ross and Highland, the sixth; Adam, Pike, Scioto and Jackson, the seventh; Lawrence, Gallia, Meigs and Vinton, the eighth; Athens, Hocking and Fairfield, the ninth; Franklin and Pick-

away, the tenth; Clark, Champaign and Madison, the eleventh; Miami, Darke and Shelby, the twelfth; Logan, Union, Marion and Hardin, the thirteenth; Washington and Morgan, the fourteenth; Muskingum and Perry, the fifteenth; Delaware and Licking, the sixteenth; Knox and Morrow, the seventeenth; Coshocton and Tuscarawas, the eighteenth; Guernsey and Monroe, the nineteenth; Belmont and Harrison, the twentieth; Carroll and Stark, the twenty-first; Jefferson and Columbiana, the twenty-second; Trumbull and Mahoning, the twenty-third; Ashtabula, Lake and Geauga, the twenty-fourth; Cuyahoga, the twenty-fifth; Portage and Summit, the twenty-sixth; Medina and Lorain, the twenty-seventh; Wayne and Holmes, the twenty-eighth; Ashland and Richland, the twenty-ninth; Huron, Erie, Sandusky and Ottawa, the thirtieth; Seneca, Crawford and Wyandot, the thirty-first; Mercer, Auglaize, Allen, Van Wert, Paulding, Defiance and Williams, the thirty-second; and Hancock, Wood, Lucas, Fulton, Henry and Putnam, the thirty-third. For the first decennial period of the adoption of this Constitution each of said districts shall be entitled to one Senator, except the first district, which shall be entitled to three Senators.

Sec. 8. The same rules shall be applied in apportioning the fractions of senatorial districts, and in annexing districts, which may hereafter have less than three-fourths of a senatorial ratio, as are applied to Representative districts.

Sec. 9. Any county forming part of a senatorial district having acquired a population equal to a full senatorial ratio, shall be made a separate senatorial district, at any regular decennial apportionment, if a full senatorial ratio shall be left in the district from which it shall be taken.

Sec. 10. For the first ten years after the year one thousand eight hundred and fifty-one, the apportionment of Representatives shall be as provided in the schedule, and no change shall ever be made in the principles of representation as herein established, or in the senatorial districts, except as above provided. All territory belonging to a county at the time of any apportionment, shall, as to the right of representation and suffrage, remain an integral part thereof during the decennial period.

Sec. 11. The Governor, Auditor and Secretary of State, or any two of them, shall, at least six months prior to the October elec-

tion, in the year one thousand eight hundred and sixty-one, and at each decennial period thereafter, ascertain and determine the ratio of representation, according to the decennial census, the number of Representatives and Senators each county or district shall be entitled to elect and for what years, within the next ensuing ten years, and the Governor shall cause the same to be published, in such manner as shall be directed by law.

*Judicial Apportionment.*

Sec. 12. For judicial purposes the State shall be apportioned as follows:

The county of Hamilton shall constitute the first district, which shall not be subdivided; and the judges therein may hold separate courts or separate sittings of the same court at the same time.

The counties of Butler, Preble and Darke shall constitute the first subdivision; Montgomery, Miami and Champaign, the second, and Warren, Clinton, Greene and Clark, the third subdivision of the second district, and, together, shall form such district.

The counties of Shelby, Auglaize, Allen, Hardin, Logan, Union and Marion shall constitute the first subdivision; Mercer, Van Wert, Putnam, Paulding, Defiance, Williams, Henry and Fulton, the second, and Wood, Seneca, Hancock, Wyandot and Crawford, the third subdivision of the third district, and, together, shall form such district.

The counties of Lucas, Ottawa, Sandusky, Erie and Huron shall constitute the first subdivision; Lorain, Medina and Summit, the second, and the county of Cuyahoga, the third subdivision of the fourth district, and, together, shall form such district.

The counties of Clermont, Brown and Adams shall constitute the first subdivision; Highland, Ross and Fayette, the second, and Pickaway, Franklin and Madison, the third subdivision of the fifth district, and, together, shall form such district.

The counties of Licking, Knox and Delaware shall constitute the first subdivision; Morrow, Richland and Ashland, the second; and Wayne, Holmes and Coshocton, the third subdivision of the sixth district, and, together, shall form such district.

The counties of Fairfield, Perry and Hocking shall constitute the first subdivision; Jackson, Vinton, Pike, Scioto and Law-



rence, the second, and Gallia, Meigs, Athens and Washington, the third subdivision of the seventh district, and, together, shall form such district.

The counties of Muskingum and Morgan shall constitute the first subdivision; Guernsey, Belmont and Monroe, the second, and Jefferson, Harrison and Tuscarawas, the third subdivision of the eighth district, and, together, shall form such district.

The counties of Stark, Carroll and Columbiana shall constitute the first subdivision; Trumbull, Portage and Mahoning, the second, and Geauga, Lake and Ashtabula, the third subdivision of the ninth district, and, together, shall form such district.

Sec. 13. The General Assembly shall attach any new counties that may hereafter be erected to such districts or subdivisions thereof as shall be the most convenient.

## ARTICLE XII.

### *Finance and Taxation.*

Section 1. The levying of taxes by the poll is grievous and oppressive; therefore, the General Assembly shall never levy a poll tax for county or State purposes.

Sec. 2. Laws shall be passed taxing by a uniform rule all moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise; and also all real and personal property according to its true value in money; but burying grounds, public school-houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property to an amount not exceeding in value two hundred dollars, for each individual may, by general laws, be exempted from taxation; but all such laws shall be subjected to alterations and repeal; and the value of all property so exempted, shall, from time to time, be ascertained and published, as may be directed by law.

Sec. 3. The General Assembly shall provide by law for taxing the notes and bills discounted or purchased-moneys loaned, and all other property, effects or dues, of every description, without deduction, of all banks now existing, or hereafter created, and of all bankers, so that all property, employed in banking shall always bear a burden of taxation equal to that imposed on the property of individuals.

Sec. 4. The General Assembly shall provide for raising revenue sufficient to defray the expenses of the State for each year, and also a sufficient sum to pay the interest on the State debt.

Sec. 5. No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

Sec. 6. The State shall never contract any debt for purposes of internal improvement.

### ARTICLE XIII.

#### *Corporations.*

Section 1. The General Assembly shall pass no special act conferring corporate powers.

Sec. 2. Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed.

Sec. 3. Dues from corporations shall be secured by such individual liability of the stockholders and other means, as may be prescribed by law; but in all cases each stockholder shall be liable, over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum at least equal in amount to such stock.

Sec. 4. The property of corporations now existing or hereafter created shall forever be subject to taxation, the same as the property of individuals.

Sec. 5. No right of way shall be appropriated to the use of any corporation until full compensation therefor be first made in money, or first secured by a deposit of money to the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury of twelve men, in a court of record, as shall be prescribed by law.

Sec. 6. The General Assembly shall provide for the organization of cities and incorporated villages, by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such power.

Sec. 7. No act of the General Assembly authorizing associations with banking powers shall take effect until it shall be submitted to the people, at the general election next succeeding the passage thereof, and be approved by a majority of all the electors voting at such election.

## ARTICLE XIV.

*Jurisprudence.*

Section 1. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the appointment of three commissioners, and prescribe their tenure of office, compensation and the mode of filling vacancies in said commission.

Sec. 2. The said commissioners shall revise, reform, simplify and abridge the practice, pleadings, forms and proceedings of the courts of record of this State; and, as far as practicable and expedient, shall provide for the abolition of the distinct forms of actions at law, now in use, and for the administration of justice by a uniform mode of proceeding without reference to any distinction between law and equity.

Sec. 3. The proceedings of the commissioners shall, from time to time, be reported to the General Assembly, and be subject to the action of that body.

## ARTICLE XV.

*Miscellaneous.*

Section 1. Columbus shall be the seat of government until otherwise directed by law.

Sec. 2. The printing of the laws, journals, bills, legislative documents and papers for each branch of the General Assembly, with the printing required for the executive and other departments of state, shall be let on contract to the lowest bidder, by such executive officers and in such manner as shall be prescribed by law.

Sec. 3. An accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom, and on what account, shall, from time to time, be published, as shall be prescribed by law.

Sec. 4. No person shall be elected or appointed to any office in this State unless he possesses the qualification of an elector.

Sec. 5. No person shall hereafter fight a duel, assist in the same as second, or send, accept or knowingly carry, a challenge therefor, shall hold any office in this State.

Sec. 6. Lotteries and the sale of lottery tickets, for any purpose whatever, shall forever be prohibited in this State.

Sec. 7. Every person chosen or appointed to any office under this State, before entering upon the discharge of its duties, shall take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office.

Sec. 8. There may be established in the Secretary of State's office, a bureau of statistics, under such regulations as may be prescribed by law.

Sec. 9. No license to traffic in intoxicating liquors shall hereafter be granted in this State; but the General Assembly may, by law, provide against evils resulting therefrom.

## ARTICLE XVI.

### *Amendments.*

Section 1. Either branch of the General Assembly may propose amendments to this Constitution; and, if the same shall be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be published in at least one newspaper in each county of the State, where a newspaper is published, for six months preceding the next election for Senators and Representatives, at which time the same shall be submitted to the electors for their approval or rejection; and if a majority of the electors voting at such election shall adopt such amendments, the same shall become a part of the Constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

Sec. 2. Whenever two-thirds of the members elected to each branch of the General Assembly shall think it necessary to call a convention to revise, amend or change this Constitution, they shall recommend to the electors to vote, at the next election for members to the General Assembly, for or against a convention; and if a majority of all the electors voting at said election shall have voted for a convention, the General Assembly shall, at their next session, provide, by law, for calling the same. The convention shall consist of as many members as the House of Representatives, who shall be chosen in the same manner, and shall meet within three months after their election, for the purpose aforesaid.

Sec. 3. At the general election to be held in the year one thousand eight hundred and seventy-one, and each twentieth year thereafter, the question, "Shall there be a convention to revise, alter or amend the Constitution?" shall be submitted to the electors of the State; and in case a majority of all the electors voting at such election shall decide in favor of a convention, the General Assembly at its next session shall provide by law for the election of delegates and the assembling of such convention, as is provided in the preceding section; but no amendment of this Constitution, agreed upon by any convention assembled in pursuance of this article, shall take effect until the same shall have been submitted to the electors of the State, and adopted by a majority of those voting thereon.

#### SCHEDULE.

Section 1. All laws of this State in force on the first day of September, one thousand eight hundred and fifty-one, not inconsistent with this Constitution, shall continue in force until amended or repealed.

Sec. 2. The first election for members of the General Assembly, under this Constitution, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one.

Sec. 3. The first election for Governor, Lieutenant-Governor, Auditor, Treasurer and Secretary of State and Attorney-General shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one. The persons holding said offices on the first day of September, one thousand eight hundred and fifty-one, shall continue therein, until the second Monday of January, one thousand eight hundred and fifty-two.

Sec. 4. The first election for judges for the Supreme Court, Courts of Common Pleas and Probate Courts, and clerks of the Courts of Common Pleas, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one, and the official term of said judges and clerks, so elected, shall commence on the second Monday of February, one thousand eight hundred and fifty-two. Judges and clerks of the Courts of Common Pleas and Supreme Court in office on the first day of September, one thousand eight hundred and fifty-one shall continue in office with their present powers and duties until the second

Monday of February, one thousand eight hundred and fifty-two. No suits or proceeding pending in any of the courts of this State shall be affected by the adoption of this Constitution.

Sec. 6. The Superior and Commercial Courts of Cincinnati, and the Superior Court of Cleveland, shall remain, until otherwise provided by law, with their present powers and jurisdiction; and the judges and clerks of said courts, in office on the first day of September, one thousand eight hundred and fifty-one shall continue in office until the expiration of their terms of office, respectively, or until otherwise provided by law, but neither of said courts shall continue after the second Monday of February, one thousand eight hundred and fifty-three; and no suits shall be commenced in said two first mentioned courts, after the second Monday in February, one thousand eight hundred and fifty-two; nor in said last-mentioned court, after the second Monday in August, one thousand eight hundred and fifty-two; and all business in either of said courts, not disposed of within the time limited for their continuance as aforesaid, shall be transferred to the Court of Common Pleas.

Sec. 7. All county and township officers and justices of the peace, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office until their terms expire, respectively.

Sec. 8. Vacancies in office, occurring after the first day of September, one thousand eight hundred and fifty-one, shall be filled, as is now prescribed by law, and until officers are elected or appointed, and qualified under this Constitution.

Sec. 9. This Constitution shall take effect on the first day of September, one thousand eight hundred and fifty-one.

Sec. 10. All officers shall continue in office until their successors shall be chosen and qualified.

Sec. 11. Suits pending in the Supreme Court in bank shall be transferred to the Supreme Court provided for in this Constitution, and be proceeded in according to law.

Sec. 12. The District Courts shall, in their respective counties, be the successors of the present Supreme Court; and all suits, prosecutions, judgments, records and proceedings pending and remaining in said Supreme Court in the several counties of

any, district shall be transferred to the respective District Courts of such counties, and be proceeded in, as though no change had been made in said Supreme Court.

Sec. 13. The said Courts of Common Pleas shall be the successors of the present Courts of Common Pleas in the several counties, except as to probate jurisdiction, and all suits, prosecutions, proceedings, records and judgments, pending or being in said last-mentioned courts, except as aforesaid, shall be transferred to the Courts of Common Pleas created by this Constitution, and proceeded in, as though the same had been therein instituted.

Sec. 14. The Probate Courts provided for in this Constitution, as to all matters within the jurisdiction conferred upon said courts, shall be the successors, in the several counties, of the present Courts of Common Pleas; and the records, files and papers, business and proceedings appertaining to said jurisdiction shall be transferred to said Courts of Probate, and be there proceeded in according to law.

Sec. 15. Until otherwise provided by law, elections for judges and clerks shall be held, and the poll-books returned as is provided for Governor, and the abstract therefrom, certified to the Secretary of State, shall be by him opened in the presence of the Governor, who shall declare the result, and issue commissions to the persons elected.

Sec. 16. Where two or more counties are joined in a senatorial, representative or judicial district, the returns of election shall be sent to the county having the largest population.

Sec. 17. The foregoing Constitution shall be submitted to the electors of the State, at an election to be held on the third Tuesday of June, one thousand eight hundred and fifty-one, in the several election districts in this State. The ballots at such election shall be written or printed as follows: Those in favor of the Constitution, "New Constitution, Yes;" those against the Constitution, "New Constitution, No." The polls at said election shall be opened between the hours of eight and ten o'clock A. M. and close at six o'clock P. M., and the said election shall be conducted, and the returns thereof made and certified to the Secretary of State, as provided by law for annual elections for State and county officers. Within twenty days after such election the Secretary of State shall open the returns thereof in the

counties of Wyandot and Hardin, one district; the counties of Mercer and Van Wert, one district; the counties of Paulding, Defiance and Williams, one district; the counties of Putnam and Henry, one district; and the counties of Wood and Ottawa, one district; each of which districts shall be entitled to one Representative in every session of the decennial period.

Done in convention at Cincinnati, the tenth day of March, in the year of our Lord, one thousand eight hundred and fifty-one, and of the independence of the United States the seventy-fifth.

WILLIAM MEDILL,  
President.

Attest: WM. H. GILL, Secretary.



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CONSTITUTION  
OF THE  
STATE OF OREGON.

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# CONSTITUTION OF THE STATE OF OREGON.

## Articles

1. Bill of rights.
  2. Suffrage and elections.
  3. Distribution of powers.
  4. Legislative department.
  5. Executive department.
  6. Administrative department.
  7. Judicial department.
  8. Education and school lands.
  9. Finance.
  10. Militia.
  11. Corporations and internal improvement.
  12. State printer.
  13. Salaries.
  14. Seat of government.
  15. Miscellaneous.
  16. Boundaries.
  17. Amendments.
  18. Schedule.
- Preamble.

## ARTICLE I.

### *Bill of Rights.*

#### Section

1. All men are of equal rights.
2. Religious worship.
3. Religious opinion.
4. Religious test.
5. State money shall not be given to any religious sect or denomination.
6. Witnesses.
7. Oath or affirmation.
8. Freedom of speech.
9. Searches, seizures and warrants.
10. Courts not to be secret.
11. Rights of defendant.
12. Not to be tried twice for same crime.
13. Treatment of persons under arrest.
14. Bail.
15. Punishment of crime.
16. Excessive bail and fines.—Power of jury in criminal cases.
17. Civil cases.—Right of trial by jury shall be inviolate.

## Section

18. Private property taken for public use.
19. Imprisonment for debt.
20. Exclusive privileges shall not be granted to any class of citizens.
21. What laws shall not be passed.
22. How laws may be suspended.
23. Habeas corpus.
24. Treason against the State, evidence of.
25. No conviction shall work corruption of blood or forfeiture of estate.
26. The people shall have the right to assemble together in a peaceable manner for the common good.
27. The right to bear arms.
28. Quartering soldiers.
29. Titles of nobility.
30. Emigration.
31. Rights of white foreigners.—What emigration may be restrained.
32. Taxes and duties.
33. Enumeration of rights, how construed.
34. Prohibition of slavery.
35. Free negroes and mulattoes.

## ARTICLE II.

### *Suffrage and Elections.*

1. Elections free.
2. Qualifications of voters.
3. Idiotic, insane or convict persons not voters.
4. Residence.
5. Soldiers, seamen or marines may not vote.
6. Negroes, Chinamen or mulattoes may not vote.
7. Bribery at elections disqualifies from holding office.
8. Laws concerning elections.

## Section

9. Duels, disqualify from holding any office of trust or profit.
10. Lucrative offices.
11. Collector, when ineligible to office.
12. Appointment pro tempore.
13. When electors are free from arrest.
14. General elections to be held biennially.
15. Votes to be given viva voce.
16. Plurality shall elect.
17. Electors.

## ARTICLE III.

*Distribution of Powers.*

1. Powers of government.

## ARTICLE IV.

*Legislative Department.*

1. Legislative authority.—Style of a bill.
2. The Senate shall consist of sixteen and the House of thirty-four members.
3. By whom chosen.
4. Terms of senators and representatives, — Senators, how classified.
5. Census to be taken every ten years.
6. Apportionment.
7. Senatorial districts.
8. Qualifications of senators, etc.
9. Senators, when they are to be free from arrest.—Words uttered in debate.
10. Sessions of the Legislative Assembly.
11. Election of officers.—Judge of qualifications of members, etc.
12. Quorum.
13. Each house to keep a journal.—Yeas and nays.
14. Open doors.—When sessions may be secret.
15. Punishment and expulsion of members.
16. Punishment of a person not a member.
17. General powers.
18. Bills may originate in either house.

## Section

19. Reading of bills and vote on final passage.
20. Subject and title of act.
21. Act to be plainly worded.
22. Mode of revision or amendment.
23. What local or special laws may not be passed.
24. Suit against the State.
25. Majority necessary to pass a bill.—Bill to be signed by speaker.
26. Protest.
27. What statute a public law.
28. When act is to take effect.
29. Compensation of members.
30. When members are not eligible to office.
31. Oaths of members.

## ARTICLE V.

*Executive Department.*

1. Executive power vested in the Governor.—Term of office.
2. Qualifications of Governors.
3. Who not eligible.
4. Election of Governor.
5. In case of a tie how decided.
6. Contested elections.
7. Term of office.
8. In case of vacancy or disability.
9. Governor commander-in-chief of military and naval forces of the State.
10. To take care that the laws are executed.
11. He shall, from time to time, give the Assembly information.
12. He may convene the Legislature.
13. To transact all necessary business with officers.
14. May grant reprieves and pardons.
15. Veto power.—Reconsideration.—Vote to be by yeas and nays.
16. Governor to fill vacancies by appointment.
17. He shall issue writs of election.
18. Commissions.

## ARTICLE VI.

*Administrative Department.*

1. Election of Secretary and Treasurer of State.

Section

2. Secretary of State.
3. Seal of State.
4. Power and duties of Treasurer.
5. Office and records of executive officers.
6. County officers.
7. Other officers.
8. Qualifications of county officers.
9. Vacancies.

ARTICLE VII.

*Judicial Department.*

1. Judicial power of the State, in whom vested. — Municipal Court.
2. Supreme Court, Justices of.
3. Term of office.
4. Vacancy.
5. Who to be Chief Justice.
6. Jurisdiction of Supreme Court.
7. Terms of Supreme Court.
8. Circuit Courts.
9. Jurisdiction of Circuit Courts.
10. When the Supreme and Circuit Judges may be elected in distinct classes. — Duties of.
11. County Court.
12. Jurisdiction. — Commissioners of County Courts.
13. Writs granted by County Judges. — Habeas corpus.
14. Expenses of court in certain counties.
15. Election of County Clerk, etc. — Legislature may divide the duties of County Clerk.
16. Sheriff.
17. Prosecuting attorneys.
18. Jurors.
19. Official delinquencies.
20. Removal of judges.
21. Oath of office.

ARTICLE VIII.

*Education and School Lands.*

1. Superintendent of Public Instruction.
2. Common school fund.
3. System of common schools.
4. Distribution of school funds.
5. Board of commissioners for sale of school lands.

ARTICLE IX.

*Finance.*

Section

1. Assessment and taxation.
2. Current expenses.
3. Law levying taxes.
4. Money to be drawn from treasury only by appropriation.
5. Publication of receipts and expenses.
6. Tax for deficiency.
7. Appropriations.
8. Stationery, how furnished.

ARTICLE X.

*Militia.*

1. Militia.
2. Who are exempt.
3. Governor to appoint Adjutant-General and other chief officers.
4. Staff officers. — Governor to commission.
5. Legislature to make regulations for militia.

ARTICLE XI.

*Corporations and Internal Improvements.*

1. Prohibition of banks.
2. Corporations to be formed under general laws. — Municipal corporations.
3. Liability of stockholders.
4. Compensation for property taken by corporations.
5. Restrictions upon municipal corporations.
6. State not to be a stockholder in a corporation.
7. Credit of the State not to be loaned. — The power of contracting debts.
8. State not to assume county debts, unless.
9. Municipal corporations.
10. Limitations upon powers to contract debts by counties.

ARTICLE XII.

*State Printer.*

1. State printer. — The rates to be paid him to be fixed by law.

**ARTICLE XIII.***Salaries.***Section**

1. **Salaries of State officers.**—They shall receive no fees.

**ARTICLE XIV.***Seat of Government.*

1. **Taxation of seat of government.**
2. **State house.**
3. **Seat of government, how removed.**—Taxation of public institutions.

**ARTICLE XV.***Miscellaneous.*

1. **Officers to hold office till successors are elected.**
2. **Tenure of office.**
3. **Oath of office.**
4. **Lotteries are prohibited.**
5. **Property of married women.**
6. **New counties.**
7. **Officers to receive fee in certain cases.**
8. **Chinamen not to hold real estate or work mining claims, unless.**

**ARTICLE XVI.***Boundaries.*

1. **Boundaries of State.**

**ARTICLE XVII.***Amendments.***Section**

1. **Amendments to Constitution.**
2. **Two or more amendments.**

**ARTICLE XVIII.***Schedule.*

1. **Election for acceptance or rejection of the Constitution.**
2. **Questions.**—Returns of election.
3. **When Constitution to be accepted or rejected.**
4. **If majority of votes cast for slavery, then this section to be added to bill of rights.**—If majority of votes given against slavery.
5. **Apportionment of Senators and Representatives.**
6. **Election, under the Constitution and organization of the State.**
7. **Former laws.**
8. **Officers to continue in office until.**
9. **Crimes against the Territory.**
10. **Saving of existing rights and liabilities.**
11. **Judicial districts.**

**PREAMBLE.**

**We, the people of the State of Oregon, to the end that justice be established, order maintained, and liberty perpetuated, do ordain this Constitution.**

**ARTICLE I.***Bill of Rights.*

1. **We declare that all men, when they form a social compact, are equal in rights; that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have all times a right to alter, reform, or abolish the government in such manner as they may think proper.**

2. **All men shall be secured in their natural right to worship Almighty God according to the dictates of their own consciences.**

3. No law shall in any case whatever control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

4. No religious test shall be required as a qualification for any office of trust or profit.

5. No money shall be drawn from the treasury for the benefit of any religious or theological institution, nor shall any money be appropriated for the payment of any religious services in either house of the legislative assembly.

6. No person shall be rendered incompetent as a witness or juror in consequence of his opinions on matters of religion, nor be questioned in any court of justice touching his religious belief, to affect the weight of his testimony.

7. The mode of administering an oath or affirmation shall be such as may be most consistent with, and binding upon, the conscience of the person to whom such oath or affirmation may be administered.

8. No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.

9. No law shall violate the right of the people to be secure in their persons, houses, papers and effects, against unreasonable search or seizure; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

10. No court shall be secret, but justice shall be administered openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in person, property or reputation.

11. In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.

12. No person shall be put in jeopardy twice for the same offense, nor be compelled in any criminal prosecution to testify against himself.

13. No person arrested or confined in jail shall be treated with unnecessary rigor.

14. Offences, except murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable when the proof is evident or the presumption strong.

15. Laws for the punishment of crime shall be founded on the principles of reformation, and not of vindictive justice.

16. Excessive bail shall not be required, nor excessive fines imposed. Cruel and unusual punishments shall not be inflicted, but all penalties shall be proportioned to the offense. In all criminal cases whatever, the jury shall have the right to determine the law and the facts, under the direction of the court, as to the law, and the right of new trial, as in civil cases.

17. In all cases the right of trial by jury shall remain inviolate.

18. Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

19. There shall be no imprisonment for debt except in case of fraud or absconding debtors.

20. No law shall be passed granting to any citizen or class of citizens privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

21. No ex post facto law, or law impairing the obligations of contracts, shall ever be passed, nor shall any law be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution; provided that the laws locating the capital of the State, locating county seats, and submitting town and corporate acts, and other local and special laws, may take effect or not, upon a vote of the electors interested.

22. The operation of the laws shall never be suspended except by the authority of the Legislative Assembly.

23. The privilege of the writ of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety require it.

24. Treason against the State, shall consist only in levying war against it, or adhering to its enemies, giving them aid or



comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

25. No conviction shall work corruption of blood or forfeiture of estate.

26. No law shall be passed restraining any of the inhabitants of the State from assembling together in a peaceable manner to consult for their common good; nor from instructing their Representatives; nor from applying to the Legislature for redress of grievances.

27. The people shall have the right to bear arms for the defense of themselves and the State, but the military shall be kept in strict subordination to the civil power.

28. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in manner prescribed by law.

29. No law shall be passed granting any title of nobility, or conferring hereditary distinctions.

30. No law shall be passed prohibiting emigration from the State.

31. White foreigners who are or may hereafter become residents of this State shall enjoy the same rights in respect to the possession, enjoyment and descent of property as native born citizens. And the Legislative Assembly shall have power to restrain and regulate the immigration to this State of persons not qualified to become citizens of the United States.

32. No tax or duty shall be imposed without the consent of the people or their representatives in the Legislative Assembly; and all taxation shall be equal and uniform.

33. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

34. There shall be neither slavery nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted.

35. No free negro or mulatto, not residing in this State at the time of the adoption of this Constitution, shall come, reside or be within this State, or hold any real estate, or make any contracts, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws for the removal by public officers of all such negroes and mulattoes, and for their effectual

## CONSTITUTION OF OREGON.

## ARTICLE XIII.

*Salaries.*

## Section

1. Salaries of State officers.—They shall receive no fees.

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exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ or harbor them.

## ARTICLE II.

### *Suffrage and Elections.*

**Section 1.** All elections shall be free and equal.

**Sec. 2.** In all elections not otherwise provided for by this Constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election — and every white male of foreign birth of the age of twenty-one years and upwards, who shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States one year preceding such election, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote at all elections authorized by law.

**Sec. 3.** No idiot or insane person shall be entitled to the privileges of an elector; and the privilege of an elector shall be forfeited, by a conviction of any crime which is punishable by imprisonment in the penitentiary.

**Sec. 4.** For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house, or other asylum, at public expense; nor while confined in any public prison.

**Sec. 5.** No soldier, seaman, or marine, in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State in consequence of having been stationed within the same; nor shall any such soldier, seaman or marine have the right to vote.

**Sec. 6.** No negro, Chinaman, or mulatto shall have the right of suffrage.

**Sec. 7.** Every person shall be disqualified from holding office during the term for which he may have been elected, who shall have given or offered a bribe, threat, or reward to procure his election.

Sec. 8. The legislative assembly shall enact laws to support the privilege of free suffrage, prescribing the manner of regulating and conducting election, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult and other improper conduct.

Sec. 9. Every person who shall give or accept a challenge to fight a duel, or shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

Sec. 10. No person holding a lucrative office or appointment under the United States, or under this State, shall be eligible to a seat in the legislative assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly permitted; provided that officers in the militia, to which there is attached no annual salary, and the office of postmaster, where the compensation does not exceed one hundred dollars per annum, shall not be deemed lucrative.

Sec. 11. No person who may hereafter be a collector or holder of public money, shall be eligible to any office of trust or profit, until he shall have accounted for and paid over, according to law, all sums for which he may be liable.

Sec. 12. In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment pro tempore shall not be reckoned a part of that term.

Sec. 13. In all cases, except treason, felony, and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same; and no elector shall be obliged to do duty in the militia on any day of election, except in time of war, or public danger.

Sec. 14. General elections shall be held on the first Monday of June, biennially.

Sec. 15. In all elections by the legislative assembly, or by either branch thereof, votes shall be given openly, or viva voce, and not by ballot forever; and in all elections by the people, votes shall be given openly, or viva voce, until the legislative assembly shall otherwise direct.

Sec. 16. In all elections held by the people under this Constitution, the person or persons who shall receive the highest number of votes shall be declared duly elected.

Sec. 17. All qualified electors shall vote in the election precinct in the county where they may reside, for county officers, and in any county in the State for State officers, or in any county of a congressional district in which such electors may reside, for members of Congress.

### ARTICLE III.

#### *Distribution of Powers.*

Section 1. The powers of the government shall be divided into three separate departments — the legislative, the executive, including the administrative, and the judicial; and no person charged with official duties under one of these departments shall exercise any of the functions of another, except as in this Constitution expressly provided.

### ARTICLE IV.

#### *Legislative Department.*

Section 1. The legislative authority of the State shall be vested in the legislative assembly, which shall consist of a Senate and House of Representatives. The style of every bill shall be, "Be it enacted by the legislative assembly of the State of Oregon," and no law shall be enacted except by bill.

Sec. 2. The Senate shall consist of sixteen, and the House of Representatives of thirty-four, members, which number shall not be increased until the year eighteen hundred and sixty, after which time the legislative assembly may increase the number of Senators and Representatives, always keeping, as near as may be, the same ratio as to the number of Senators and Representatives: Provided, that the Senate shall never exceed thirty, and the House of Representatives sixty members.

Sec. 3. The Senators and Representatives shall be chosen by the electors of the respective counties or districts into which the State may from time to time be divided by law.

Sec. 4. The Senators shall be elected for a term of four years, and the Representatives for the term of two years from the day next after their general election: Provided, however, that the Senators-elect, at the first session of the legislative assembly under this Constitution, shall be divided by lot into two equal classes, as nearly as may be; and the seats of Senators of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years; so that one-half, as nearly as possible, shall be chosen biennially forever



thereafter. And in case of the increase of the number of Senators, they shall be so annexed by lot to one or the other of the two classes as to keep them as nearly equal as possible.

Sec. 5. The legislative assembly shall, in the year eighteen hundred and sixty-five, and every ten years after, cause an enumeration to be made of all the white population of the State.

Sec. 6. The number of Senators and Representatives shall, at the session next following an enumeration of the inhabitants by the United States or this State, be fixed by law, and apportioned among the several counties according to the number of white population in each. And the ratio of Senators and Representatives shall be determined by dividing the whole number of white population of such county or district, by such respective ratios; and when a fraction shall result from such division, which shall exceed one-half of such ratio, such county or district shall be entitled to a member for such fraction. And in case any county shall not have the requisite population to entitle such county to a member, then such county shall be attached to some adjoining county for senatorial or representative purposes.

Sec. 7. A senatorial district, when more than one county shall constitute the same, shall be composed of contiguous counties, and no county shall be divided in creating senatorial districts.

Sec. 8. No person shall be a Senator or Representative who, at the time of his election, is not a citizen of the United States; nor any one who has not been for one year next preceding his election an inhabitant of the county or district whence he may be chosen. Senators or Representatives shall be at least twenty-one years of age.

Sec. 9. Senators and Representatives in all cases, except for treason, felony, or breaches of the peace, shall be privileged from arrest during the session of the legislative assembly, and in going to and returning from the same; and shall not be subject to any civil process during the session of the legislative assembly, nor during the fifteen days next before the commencement thereof. Nor shall a member, for words uttered in debate in either house, be questioned in any other place.

Sec. 10. The sessions of the legislative assembly shall be held biennially at the capital of the State, commencing on the second Monday of September, in the year eighteen hundred and fifty-eight, and on the same day of every second year thereafter, unless a different day shall have been appointed by law.

Sec. 11. Each house, when assembled, shall choose its own officers, judge of election, qualifications and returns of its own members, determine its own rules of proceeding, and sit upon its own adjournments; but neither house shall, without the concurrence of the other, adjourn for more than three days, nor at any other place than that in which it may be sitting.

Sec. 12. Two-thirds of each house shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day and compel the attendance of absent members. A quorum being in attendance, if either house fail to effect an organization within the first five days thereafter, the members of the house so failing shall be entitled to no compensation from the end of the five days until an organization shall have been effected.

Sec. 13. Each house shall keep a journal of its proceedings. The yeas and nays on any question, shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journal; provided, that on a motion to adjourn, it shall require one-tenth of the members present to order the yeas and nays.

Sec. 14. The doors of each house, and of committees of the whole shall be kept open, except in such cases as in the opinion of either house may require secrecy.

Sec. 15. Either house may punish its members for disorderly behavior, and may, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

Sec. 16. Either house, during its session, may punish by imprisonment, any person not a member, who shall have been guilty of disrespect to the house, or disorderly or contemptuous behavior in its presence; but such imprisonment shall not at any time exceed twenty-four hours.

Sec. 17. Each house shall have all powers necessary for a branch of the legislative department of a free and independent State.

Sec. 18. Bills may originate in either house, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the House of Representatives.

Sec. 19. Every bill shall be read by sections, on three several days, in each house, unless, in case of emergency, two-thirds of the house where such bill may be depending, shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but

the reading of a bill by sections on its final passage shall in no case be dispensed with, and the vote on the passage of every bill or joint resolution, shall be taken by yeas and nays.

Sec. 20. Every act shall embrace but one subject, and matters properly connected therewith, which subjects shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

Sec. 21. Every act and joint resolution shall be plainly worded, avoiding as far as practicable, the use of technical terms.

Sec. 22. No act shall ever be revised or amended by mere reference to its title, but the act revised or section amended shall be set forth and published at full length.

Sec. 23. The legislative assembly shall not pass special or local laws in any of the following enumerated cases, that is to say —

1. Regulating the jurisdiction and duties of justices of the peace, and constables;
2. For the punishment of crimes and misdemeanors;
3. Regulating the practice in courts of justice;
4. Providing for changing the venue in civil and criminal cases;
5. Granting divorces;
6. Changing the names of persons;
7. For laying, opening and working on highways, and for the election or appointment of supervisors;
8. Vacating roads, town plats, streets, alleys, and public squares;
9. Summoning and impaneling grand and petit jurors;
10. For the assessment and collection of taxes for State, county, township or road purposes;
11. Providing for supporting common schools, and for the preservation of school funds;
12. In relation to interest on money;
13. Providing for opening and conducting the elections of State, county, or township officers, and designating the places of voting;
14. Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities by executors, administrators, guardians or trustees;

Sec. 24. Provision may be made by general law for bringing suit against the State, as to all liabilities originating after or existing at the time of the adoption of this Constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.

Sec. 25. A majority of all the members elected to each house shall be necessary to pass every bill or joint resolution; and all bills and joint resolutions so passed, shall be signed by the presiding officers of the respective houses.

Sec. 26. Any member of either house shall have the right to protest, and have his protest, with his reasons for dissent, entered on the journal.

Sec. 27. Every statute shall be a public law, unless otherwise declared in the statute itself.

Sec. 28. No act shall take effect until ninety days from the end of the session at which the same shall have been passed, except in case of emergency; which emergency shall be declared in the preamble or in the body of the law.

Sec. 29. The members of the legislative assembly shall receive for their services a sum not exceeding three dollars a day, from the commencement of the session; but such pay shall not exceed in the aggregate one hundred and twenty dollars for per diem allowance for any one session. When convened in extra session by the Governor, they shall receive three dollars per day; but no extra session shall continue for a longer period than twenty days. They shall also receive the sum of three dollars for every twenty miles they shall travel in going to and returning from their place of meeting, on the most usual route. The presiding officers of the assembly shall, in virtue of their office, receive an additional compensation equal to two-thirds of their per diem allowance as members.

Sec. 30. No Senator or Representative shall, during the time for which he may have been elected, be eligible to any office, the election to which is vested in the legislative assembly; nor shall be appointed to any civil office of profit which shall have been created, or the emoluments of which shall have been increased during such term, but this latter provision shall not be construed to apply to any officer elective by the people.

Sec. 81. The members of the legislative assembly shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of Senator (or Representative, as the case may be), according to the best of my ability.

And such oath may be administered by the Governor, Secretary of State, or Judge of the Supreme Court.

#### ARTICLE V.

##### *Executive Department.*

Section 1. The chief executive power of the State shall be vested in a Governor, who shall hold his office for the term of four years; and no person shall be eligible to such office more than eight, in any period of twelve years.

Sec. 2. No person, except a citizen of the United States, shall be eligible to the office of Governor, nor shall any person be eligible to that office who shall not have attained the age of thirty years, and who shall not have been three years next preceding his election a resident within this State.

Sec. 3. No member of Congress, or person holding any office under the United States, or under this State, or under any other power, shall fill the office of Governor; except as may be otherwise provided in this Constitution.

Sec. 4. The Governor shall be elected by the qualified electors of the State at the times and places of choosing members of the legislative assembly, and the returns of every election for Governor shall be sealed up and transmitted to the Secretary of State, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both houses of the legislative assembly.

Sec. 5. The person having the highest number of votes for Governor shall be elected; but in case two or more persons shall have an equal, and the highest number of votes for Governor, the two houses of the legislative assembly, at the next regular session thereof, shall forthwith, by joint vote, proceed to elect one of the said persons Governor.

Sec. 6. Contested elections for Governor shall be determined by the legislative assembly in such manner as may be prescribed by law.

Sec. 7. The official term of the Governor shall be four years, and shall commence at such times as may be provided by this Constitution or prescribed by law.

Sec. 8. In case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve upon the Secretary of State; and in case of the removal from office, death, resignation, or inability, both of the Governor and the Secretary of State, the president of the Senate shall act as Governor, until the disability be removed, or a Governor be elected.

Sec. 9. The Governor shall be Commander-in-Chief of the military and naval forces of this State, and may call out such forces to execute the laws, to suppress insurrection, or to repel invasion.

Sec. 10. He shall take care that the laws be faithfully executed.

Sec. 11. He shall, from time to time, give to the legislative assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

Sec. 12. He may, on extraordinary occasions, convene the legislative assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened.

Sec. 13. He shall transact all necessary business with the officers of government, and may require information in writing from the officers of the administrative and military departments upon any subject relating to the duties of their respective offices.

Sec. 14. He shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the case shall be reported to the legislative assembly, at its next meeting, when the legislative assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the legislative assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reason for granting the same; and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

Sec. 15. Every bill which shall have passed the legislative assembly, shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, which house shall enter the objections at large upon the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively; if any bill shall not be returned by the Governor within five days (Sundays excepted), after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor, within five days next after the adjournment (Sundays excepted) shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the legislative assembly at its next session, in like manner as if it had been returned by the Governor.

Sec. 16. When, during a recess of the legislative assembly, a vacancy shall happen in any office, the appointment of which is vested in the legislative assembly, or when at any time a vacancy shall have occurred in any other State office, or in the office of judge of any court, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

Sec. 17. He shall issue writs of election to fill such vacancies as may have occurred in the legislative assembly.

Sec. 18. All commissions shall issue in the name of the State, shall be signed by the Governor, sealed with the seal of the State, and attested by the Secretary of State.

## ARTICLE VI.

### *Administrative Department.*

Section 1. There shall be elected by the qualified electors of the State, at the time and places of choosing members of the legislative assembly, a Secretary and Treasurer of State, who shall

law; and at such other times as may be appointed by the judges severally, in pursuance of law.

Sec. 9. All judicial power, authority and jurisdiction not vested by this Constitution, or by laws consistent therewith exclusively in some other court, shall belong to the Circuit Courts; and they shall have appellate jurisdiction and supervisory control over the County Courts, and all other inferior courts, officers and tribunals.

Sec. 10. When the white population of the State shall amount to two hundred thousand, the legislative assembly may provide for the election of supreme and circuit judges in distinct classes, one of which classes shall consist of three justices of the Supreme Court, who shall not perform circuit duty, and the other class shall consist of the necessary number of circuit judges, who shall hold full terms without allotment, and who shall take the same oath as the supreme judges.

Sec. 11. There shall be elected in each county, for the term of four years a county judge, who shall hold the County Court at times to be regulated by law.

Sec. 12. The County Court shall have the jurisdiction pertaining to Probate Courts, and boards of county commissioners, and such other powers and duties, and such civil jurisdiction not exceeding the amount of value of five hundred dollars, and such criminal jurisdiction not extending to death or imprisonment in the penitentiary as may be prescribed by law. But the legislative assembly may provide for the election of two commissioners to sit with the county judge whilst transacting county business in any or all the counties, or may provide a separate board for transacting such business.

Sec. 13. The county judge may grant preliminary injunctions and such other writs as the legislative assembly may authorize him to grant, returnable to the Circuit Court, or otherwise as may be provided by law; and may hear and decide questions arising upon habeas corpus; provided, such decision be not against the authority or proceedings of a court or judge of equal or higher jurisdiction.

Sec. 14. The counties having less than ten thousand white inhabitants shall be reimbursed, wholly or in part, for the salary and expenses of the County Court, by fees, percentage, and other equitable taxation of the business done in said court, and in the office of the county clerk.



Sec. 15. A county clerk shall be elected in each county for the term of two years, who shall keep all the public records, books and papers of the county, record conveyances, and perform the duties of clerk of the Circuit and County Courts, and such other duties as may be prescribed by law; but whenever the number of voters in any county shall exceed twelve hundred, the legislative assembly may authorize the election of one person as clerk of the Circuit Court, one person as clerk of the County Court, and one person recorder of conveyances.

Sec. 16. A sheriff shall be elected in each county for the term of two years, who shall be the ministerial officer of the Circuit and County Courts, and shall perform such other duties as may be prescribed by law.

Sec. 17. There shall be elected by districts comprised of one or more counties, a sufficient number of prosecuting attorneys, who shall be the law officers of the State, and of the counties within their respective districts, and shall perform such duties pertaining to the administration of law and general police as the legislative assembly may direct.

Sec. 18. The legislative assembly shall so provide that the most competent of the permanent citizens of the county shall be chosen for jurors; and out of the whole number in attendance at the court, seven shall be chosen by lot as grand jurors, five of whom must concur to find an indictment. But the legislative assembly may modify or abolish grand juries.

Sec. 19. Public officers shall not be impeached; but incompetency, corruption, malfeasance or delinquency in office may be tried in the same manner as criminal offenses, and judgment may be given of dismissal from office, and such further punishment as may have been prescribed by law.

Sec. 20. The Governor may remove from office a judge of the Supreme Court, or prosecuting attorney, upon the joint resolution of the legislative assembly, of which two-thirds of the members elected to each house shall concur, for incompetency, corruption, malfeasance or delinquency in office, or other sufficient cause stated in such resolution.

Sec. 21. Every judge of the Supreme Court, before entering upon the duties of his office, shall take and subscribe, and transmit to the Secretary of State, the following oath:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitu-

tion of the State of Oregon; and that I will faithfully and impartially discharge the duties of judge of the Supreme and Circuit Courts of said State, according to the best of my ability, and that I will not accept any other office except judicial offices, during the term for which I have been elected."

## ARTICLE VIII.

### *Education, and School Lands.*

Section 1. The Governor shall be Superintendent of Public Instruction, and his powers and duties in that capacity shall be such as may be prescribed by law; but after the term of five years from the adoption of this Constitution, it shall be competent for the legislative assembly to provide by law for the election of a superintendent, to provide for his compensation, and prescribe his powers and duties.

Sec. 2. The proceeds of all lands which have been or hereafter may be granted to this State, for educational purposes (excepting the lands heretofore granted to and (aid) in the establishment of a university), all the moneys and clear proceeds of all property which may accrue to the State by escheat or forfeiture; all moneys which may be paid as exemption from military duty; the proceeds of all gifts, devices and bequests, made by any person to the State for common school purposes; the proceeds of all property granted to the State when the purposes of such grant shall not be stated; all the proceeds of the five hundred thousand acres of land to which the State is entitled by the provisions of an act of Congress, entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights, approved September 4, 1841," and also the five per centum of the net proceeds of the sales of the public lands, to which this State shall become entitled on her admission into the Union (if Congress shall consent to such appropriation of the two grants last mentioned) shall be set apart as a separate and irreducible fund, to be called the common school fund, the interest of which, together with all other revenues derived from the school land mentioned in this section, shall be exclusively applied to the support and maintenance of common schools in each school district, and the purchase of suitable libraries and apparatus therefor.

Sec. 3. The legislative assembly shall provide by law for the establishment of a uniform and general system of common schools.

Sec. 4. Provision shall be made by law for the distribution of the income of the common school fund among the several counties of the State, in proportion to the number of children resident therein between the ages of four and twenty years.

Sec. 5. The Governor, Secretary of State, and State Treasurer shall constitute a board of commissioners for the sale of school and university lands, and for the investment of the funds arising therefrom, and their powers and duties shall be such as may be prescribed by law: Provided, That no part of the university funds, or of the interest arising therefrom, shall be expended until the period of ten years from the adoption of this Constitution, unless the same shall be otherwise disposed of by the consent of Congress for common school purposes.

## ARTICLE. IX.

### *Finance.*

Section 1. The legislative assembly shall provide by law for uniform and equal rate of assessment and taxation; and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious, or charitable purposes, as may be specially exempted by law.

Sec. 2. The legislative assembly shall provide for raising revenue sufficient to defray the expenses of the State for each fiscal year, and also a sufficient sum to pay the interest on the State debt, if there be any.

Sec. 3. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

Sec. 4. No money shall be drawn from the treasury but in pursuance of appropriations made by law.

Sec. 5. An accurate statement of the receipts and expenditures of the public money shall be published with the laws of each regular session of the legislative assembly.

Sec. 6. Whenever the expenses of any fiscal year shall exceed the income, the legislative assembly shall provide for levying a

tax for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expense of the ensuing fiscal year.

Sec. 7. Laws making appropriations for the salaries of public officers and other current expenses of the State, shall contain provisions upon no other subject.

Sec. 8. All stationery required for the use of the State, shall be furnished by the lowest responsible bidder, under such regulations as may be prescribed by law. But no State officer, or member of the legislative assembly, shall be interested in any bid or contract for furnishing such stationery.

#### ARTICLE X.

##### *Militia.*

Section 1. The militia of this State shall consist of all able-bodied male citizens between the ages of eighteen and forty-five years, except such persons as now are or hereafter may be exempted by the laws of the United States or of this State.

Sec. 2. Persons whose religious tenets or conscientious scruples forbid them to bear arms, shall not be compelled to do so in time of peace, but shall pay an equivalent for personal service.

Sec. 3. The Governor shall appoint the adjutant-general and the other chief officers of the general staff, and his own staff, and all officers of the line shall be elected by the persons subject to military duty in their respective districts.

Sec. 4. The majors-general, brigadiers-general, colonels or commandants of regiments, battalions, or squadrons, shall severally appoint their staff officers, and the Governor shall commission all officers of the line and staff ranking as such.

Sec. 5. The legislative assembly shall fix by law the method of dividing the militia into divisions, brigades, regiments, battalions, and companies, and make all other needful rules and regulations in such manner as they may deem expedient, not incompatible with the Constitution or laws of the United States, or with the Constitution of this State, and shall fix the rank of all staff officers.

#### ARTICLE XI.

##### *Corporations and Internal Improvements.*

Section 1. The legislative assembly shall not have the power to establish or incorporate any bank, or banking company, or moneyed institution whatever; nor shall any bank, company or

institution exist in the State with the privilege of making, issuing, or putting into circulation any bill, check, certificate, promissory note, or other paper, or the paper of any bank, company, or person, to circulate as money.

Sec. 2. Corporations may be formed under general laws, but shall not be created by special laws, except for municipal purposes. All laws passed pursuant to this section may be altered, amended, or repealed, but not so as to impair or destroy any vested corporate rights.

Sec. 3. The stockholders of all corporations and joint stock companies shall be liable for the indebtedness of said corporation to the amount of their stock subscribed and unpaid, and no more.

Sec. 4. No person's property shall be taken by any corporation, under authority of law, without compensation being first made or secured, in such manner as may be prescribed by law.

Sec. 5. Acts of legislative assembly, incorporating towns and cities, shall restrict their powers of taxation, borrowing money, contracting debts, and loaning their credit.

Sec. 6. The State shall not subscribe to, or be interested in, the stock of any company, association or corporation.

Sec. 7. The legislative assembly shall not loan the credit of the State, nor in any manner create any debts or liabilities, which shall singly or in the aggregate with previous debts or liabilities exceed the sum of fifty thousand dollars, except in case of war, or to repel invasion, or suppress insurrection; and every contract of indebtedness entered into or assumed by or on behalf of the State, when all its liabilities and debts amount to said sum, shall be void and of no effect.

Sec. 8. The State shall never assume the debt of any county, town, or other corporation whatever, unless such debts shall have been created to repel invasion, suppress insurrection, or defend the State in war.

Sec. 9. No county, city, town, or other municipal corporation, by a vote of its citizens, or otherwise, shall become a stockholder in any joint-stock company, corporation or association whatever, or raise money for, or loan its credit to, or in aid of, any such company, corporation or association.

Sec. 10. No county shall create any debts or liabilities which shall singly, or in the aggregate, exceed the sum of five thousand dollars, except to suppress insurrection, or repel invasion; but

the debts of any county, at the time this Constitution takes effect, shall be disregarded in estimating the sum to which such county is limited.

## ARTICLE XII.

### *State Printer.*

Section 1. There shall be elected by the qualified electors of the State, at the times and places of choosing members of the legislative assembly, a State Printer, who shall hold office for the term of four years. He shall perform all the public printing for the State, which may be provided by law. The rates to be paid to him for such printing shall be fixed by law, and shall neither be increased nor diminished during the term for which he shall have been elected. He shall give security for the performance of his duties as the legislative assembly may provide.

## ARTICLE XIII.

### *Salaries.*

Section 1. The Governor shall receive an annual salary of fifteen hundred dollars. The Secretary of State shall receive an annual salary of fifteen hundred dollars. The Treasurer of State shall receive an annual salary of eight hundred dollars. The judges of the Supreme Court shall each receive an annual salary of two thousand dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their respective offices; and the compensation of officers, if not fixed by this Constitution, shall be provided by law.

## ARTICLE XIV.

### *Seat of Government.*

Section 1. The legislative assembly shall not have power to establish a permanent seat of government for this State. But at the first regular session after the adoption of this Constitution, the legislative assembly shall provide by law for the submission to the electors of this State at the next general election thereafter, of the matter of the selection of a place for a permanent seat of government; and no place shall ever be the seat of government under such law, which shall not receive a majority of all votes cast on the matter of such election.

Sec. 2. No tax shall be levied, or money of the State expended, or debt contracted for the erection of a State house prior to the year eighteen hundred and sixty-five.

Sec. 3. The seat of government, when established as provided in section one, shall not be removed for the term of twenty years from the time of such establishment; nor in any other manner than as provided in the first section of this article; provided, that all the public institutions of the State, hereinafter provided for by the legislative assembly, shall be located at the seat of government.

ARTICLE XV.

*Miscellaneous.*

Section 1. All officers, except members of the legislative assembly, shall hold their offices until their successors are elected and qualified.

Sec. 2. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the legislative assembly shall not create any office, the tenure of which shall be longer than four years.

Sec. 3. Every person elected or appointed to any office under the Constitution shall, before entering on the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of his State, and also an oath of office.

Sec. 4. Lotteries, and the sale of lottery tickets, for any purpose whatever, are prohibited, and the legislative assembly shall prevent the same by penal laws.

Sec. 5. The property and pecuniary rights of every married woman, at the time of marriage, or afterward acquired by gift, devise, or inheritance, shall not be subject to the debts or contracts of the husband; and laws shall be passed providing for the registration of the wife's separate property.

Sec. 6. No county shall be reduced to an area of less than four hundred square miles; nor shall any new county be established in this State containing a less area, nor unless such new county shall contain a population of at least twelve hundred inhabitants.

Sec. 7. No State officers or members of the legislative assembly shall directly or indirectly receive a fee, or be engaged as counsel, agent, or attorney in the prosecution of any claim against this State.

the Secretary, shall forthwith issue his proclamation, and publish the same in the several newspapers printed in this State, declaring the result of the said election upon each of said questions.

Sec. 3. If a majority of all the votes given for and against the Constitution, shall be given for the Constitution, then this Constitution shall be deemed to be approved and accepted by the electors of the State, and shall take effect accordingly; and if a majority of such votes shall be given against the Constitution, then this Constitution shall be deemed to be rejected by the electors of the State, and shall be void.

Sec. 4. If this Constitution shall be accepted by the electors, and a majority of all the votes given for and against slavery, shall be given for slavery, then the following section shall be added to the bill of rights, and shall be part of this Constitution:

"Sec. —. Persons lawfully held as slaves in any State, Territory or District of the United States, under the laws thereof, may be brought into this State; and such slaves and their descendants may be held as slaves within this State, and shall not be emancipated without the consent of their owners."

And if a majority of such votes shall be given against slavery, then the foregoing section shall not, but the following section shall be added to the bill of rights, and shall be a part of this Constitution:

"Sec. —. There shall be neither slavery nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted."

And if a majority of all the votes given for and against free negroes shall be given against free negroes, then the following section shall be added to the bill of rights, and shall be a part of this Constitution:

"Sec. —. No free negro or mulatto, not residing in this State at the time of the adoption of this Constitution shall come, reside, or be within this State, or hold any real estate, or make any contracts, or maintain any suit therein; and the legislative assembly shall provide by penal laws for the removal by public officers of all such negroes and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ or harbor them."

Sec. 5. Until an enumeration of the white inhabitants of the State shall be made, and the Senators and Representatives apportioned as directed in the Constitution, the county of Marion



shall have two Senators and four Representatives; Lane, two Senators and three Representatives; Clackamas and Wasco, one Senator jointly, and Clackamas three Representatives and Wasco one Representative; Yamhill, one Senator and two Representatives; Polk, one Senator and two Representatives; Benton, one Senator and two Representatives; Multnomah, one Senator and two Representatives; Washington, Columbia, Clatsop and Tillamook, one Senator jointly, and Washington one Representative, and Washington and Columbia one Representative jointly; and Clatsop and Tillamook, one Representative jointly; Douglas, one Senator and two Representatives; Jackson, one Senator and three Representatives; Josephine one Senator and one Representative; Umpqua, Coos and Curry, one Senator jointly, and Umpqua one Representative, and Coos and Curry one Representative jointly.

Sec. 6. If this Constitution shall be ratified, an election shall be held on the first Monday in June, 1858, for the election of members of the legislative assembly, a representative in Congress and State and county officers; and the legislative assembly shall convene at the capital on the first Monday of July, 1858, and proceed to elect two Senators in Congress, and make such further provision as may be necessary to the complete organization of a State government.

Sec. 7. All laws in force in the Territory of Oregon when this Constitution takes effect, and consistent therewith, shall continue in force until altered or repealed.

Sec. 8. All officers of the Territory of Oregon, or under its laws, when this Constitution takes effect, shall continue in office until superseded by the State authorities.

Sec. 9. Crimes and misdemeanors committed against the Territory of Oregon shall be punished by the State as they might have been punished by the Territory if the change of government had not been made.

Sec. 10. All property and rights of the Territory and of the several counties, subdivisions, and political bodies corporate of, or in the Territory, including fines, penalties, forfeitures, debts and claims of whatsoever nature, and recognizances, obligations, and undertakings to or for the use of the Territory or any county, political corporation, office or otherwise, to or for the public, shall enure to the State, or remain to the county, local division,

corporation, officer, or public, as if the change of government had not been made; and private rights shall not be affected by such change.

Sec. 11. Until otherwise provided by law, the judicial districts of the State shall be constituted as follows: The counties of Jackson, Josephine and Douglas shall constitute the first district. The counties of Umpqua, Coos and Curry, Lane and Benton shall constitute the second district. The counties of Linn, Marion, Polk, Yamhill and Washington shall constitute the third district. The counties of Clackamas, Multnomah, Wasco, Columbia, Clatsop and Tillamook shall constitute the fourth district; and the county of Tillamook shall be attached to the county of Clatsop for judicial purposes.

Done in Convention at Salem, the eighteenth day of September, in the year of our Lord one thousand eight hundred and fifty-seven, and of the independence of the United States the eighty-second.

MATTHEW P. DEADY, President.  
CHESTER N. TERRY, Secretary.

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CONSTITUTION  
OF THE  
STATE OF PENNSYLVANIA.

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# CONSTITUTION OF THE STATE OF PENNSYLVANIA.

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## ARTICLES.

### Article

1. Declaration of rights.
2. The Legislature.
3. Legislation.
4. The executive.
5. The judiciary.
6. Impeachment and removal from office.
7. Oath of office.
8. Suffrage and elections.
9. Taxation and finance.
10. Education.
11. Militia.
12. Public officers.
13. New counties.
14. County officers.
15. Cities and city charters.
16. Private corporations.
17. Railroads and canals.
18. Future amendments.
- Schedule.
- Preamble.

## ARTICLE I.

### *Declaration of Rights.*

#### Section

1. Equality and rights of men.
2. Political powers inherent in the people.
3. Freedom of religious thought and worship.
4. Religious opinions not to disqualify for holding office.
5. Freedom of elections.
6. Trial by jury.
7. Freedom of the press.
8. Searches and seizures limited.
9. Rights of defense and privileges in criminal prosecutions.
10. Criminal informations limited.—Twice in jeopardy.
11. Justice to be free and without sale.

#### Section

12. Limitations upon suspension of laws.
13. Excessive bail or fines and cruel punishment forbidden.
14. Bail to be accepted. — Habeas corpus.
15. No commission of Oyer and Terminer.
16. Imprisonment of insolvent debtors limited.
17. Laws ex post facto, etc., forbidden.
18. No legislative attainder of treason or felony.
19. Attainder shall not work corruption of blood or forfeiture beyond life.
20. Rights of meeting and petition.
21. Right to bear arms.
22. Military subordinate to civil power.
23. Quartering troops in houses.
24. No title of nobility, etc.
25. Emigration permitted.
26. Everything in this article excepted from the powers of government.

## ARTICLE II.

### *The Legislature.*

1. The legislative power vested.
2. Biennial elections.
3. Legislative terms.
4. Biennial meetings.
5. Qualifications of Senators and Representatives.
6. Disqualification for appointment to office.
7. Conviction of certain crimes to disqualify.
8. Compensation.
9. Presiding officers.
10. Quorum.

**Section**

11. Powers of each.
12. Each house to keep a journal.
13. Sessions to be open.
14. Adjournments.
15. Privileges of members.
16. Senatorial districts.
17. Representative districts.
18. Apportionments.

**ARTICLE III.***Legislation.*

1. Passage of bills.
2. Reference and printing.
3. Bills to contain but one subject.
4. To be read on three days.—  
Amendments to be printed.—  
Yeas and nays.
5. Votes concurring in amend-  
ments to be yeas and nays.
6. Revival of law.
7. Limitation on special legisla-  
tion, etc.
8. Notice of local or special bills.
9. Signing of bills by presiding  
officers.
10. Legislative officers.
11. No extra compensation to offi-  
cers or contractors.
12. Public printing.
13. No extension of official terms or  
increase of pay.
14. Revenue bills.
15. Appropriation bills.
16. Payments of moneys from the  
treasury.
17. Appropriations to charitable in-  
stitutions.
18. Appropriations for charitable  
purposes, etc., limited.
19. Appropriations for widows and  
orphans of soldiers.
20. Power over municipal adminis-  
tration not to be delegated.
21. No limitation of damages for  
certain injuries.—Nor of times  
for bringing suits.
22. Investment of trust funds.
23. Changes of venue.
24. No obligation of corporations to  
the State to be released.
25. Limitations of legislative power  
at sessions.

**Section**

26. Concurrent orders, resolutions  
and votes to be presented to  
the Governor.
27. No State inspectors of merchan-  
dise.
28. Changing location of State capi-  
tol.
29. Bribery of members.
30. Bribery of officers.
31. Corrupt solicitation to be pun-  
ished by fine and imprison-  
ment.
32. Witnesses to testify in cases of  
bribery, etc.—Punishment.
33. Interested members shall not  
vote.

**ARTICLE IV.***The Executive.*

1. Executive officers.
2. Governor.—His election.
3. His term.
4. Lieutenant-Governor.
5. Qualifications of Governor and  
Lieutenant-Governor.
6. Congressmen, etc., disqualified.
7. Governor to command militia.
8. Powers of Governor to appoint  
with consent of Senate.—To  
fill vacancies.—Votes to be re-  
corded.
9. Pardoning power.
10. Governor may require informa-  
tion.
11. Shall give information and re-  
commend measures to General  
Assembly.
12. May convene General Assembly,  
and adjourn the two houses  
when they disagree.
13. Lieutenant-Governor to act as  
Governor.
14. President pro tempore of the  
Senate.
15. Approval of bills.—Veto of bills.  
—Retained bills to become law.
16. A partial veto allowed on ap-  
propriation bills.
17. Chief justice to preside on trial  
of contested election of Gov-  
ernor or Lieutenant-Governor.
18. Secretary of Commonwealth.

Section

19. Secretary of Internal Affairs.
20. Superintendent of Public Instruction.
21. Terms of heads of departments.
22. Seal of State.—Commissions to be signed and sealed.

ARTICLE V.

*Judiciary.*

1. The courts.
2. The Supreme Court.—Tenure of judges.—Chief justice.
3. Jurisdiction of Supreme Court.
4. Court of Common Pleas.—Districts not to contain more than four counties.
5. Judicial districts.—Office of associate judge abolished.
6. Common Pleas courts in Philadelphia and Allegheny.
7. Prothonotary in Philadelphia.—Separate dockets for courts.
8. Criminal courts in Philadelphia and Allegheny.
9. Jurisdiction of Common Pleas judges.
10. May issue writs of certiorari to inferior courts.
11. Justices of the peace and aldermen.
12. Magistrates in Philadelphia.
13. Fees and fines to be paid to the county treasury.
14. Appeals from summary conviction.
15. Election and term of judges.—Removal.
16. Election of judges of Supreme Court by limited vote.
17. Priority of commissions of judges.
18. Compensation of judges.—Disqualification.
19. Residence of judges.
20. Chancery powers of Courts of Common Pleas.
21. No extra judicial duties for judges.
22. Separate orphans' court.—Register of wills to be clerk thereof.

Section

23. Style of process and indictment.
24. Review in Supreme Court in criminal cases.
25. Vacancies in courts, how filled.
26. Uniform laws of courts.—Special courts prohibited.
27. Parties may submit issues of fact to the court.—Appeals.

ARTICLE VI.

*Impeachment and Removal from Office.*

1. Impeachment.
2. How tried.
3. What officers impeachable.—Judgment.
4. Condition of official tenure.—Removal.

ARTICLE VII.

*Oath of Office.*

1. General oath of office.

ARTICLE VIII.

*Suffrage and Elections.*

1. Qualifications for voters.
2. General elections.
3. Municipal elections.
4. Elections to be by ballot and ballots numbered.—Indorsements thereon authorized.
5. Electors privileged from arrest.
6. Soldier voting.
7. Election laws to be uniform, but unregistered electors may vote.
8. Corruption to disqualify voters.—Challenge.
9. Candidates guilty of bribery, etc., disqualified for holding office.—Willful violation of election laws, to disqualify for voting.
10. Witnesses not to withhold testimony in election cases.
11. Election districts.
12. Representatives to vote viva voce.
13. Residence of voters not gained or lost in certain cases.
14. Election boards.—Clerks.—Vacancies.—Privileges of election officers.

## Section

15. Government officers and employes disqualified to serve as election officers.—Ineligibility of election officers.
16. Courts of Common Pleas may appoint overseers of election.
17. Trial of contested elections.

## ARTICLE IX.

*Taxation and Finance.*

1. Taxes to be uniform.—Exemption.
2. Limitation of power to exempt.
3. Power to tax corporations not to be surrendered.
4. Power to make debts.
5. Moneys borrowed to be used for the purpose specified.
6. State credit not to be loaned.
7. Municipalities not to become stockholders, etc.
8. Municipal debts limited.
9. No assumption of municipal debts by State.
10. Repayment of municipal debt to be provided for.
11. Sinking fund.
12. The moneys of the State.
13. Reserve in treasury.
14. Reserve not to be converted to private use.

## ARTICLE X.

*Education.*

1. Public schools to be maintained.—Amount appropriated.
2. No appropriation to sectarian schools.
3. Women eligible to school offices.

## ARTICLE XI.

*Militia.*

1. Organization of militia.—Exemption authorized.

## ARTICLE XII.

*Public Officers.*

1. Selection of public officers.
2. Federal officers disqualified for State office.
3. Dueling disqualifies for office.

## ARTICLE XIII.

*New Counties.*

## Section

1. Limitation of power to create counties.

## ARTICLE XIV.

*County Officers.*

1. County officers.
2. Election and term.—Vacancies.
3. Residence of county officers.
4. Offices to be kept in county town.
5. Compensation.
6. Accountability of municipal officers.
7. County commissioners and auditors to be chosen by limited vote.—Vacancies, how filled.

## ARTICLE XV.

*Cities and City Charters.*

1. General laws to establish cities.
2. Municipal commissions not to incur debts except on appropriations.
3. Sinking funds in cities.

## ARTICLE XVI.

*Private Corporations.*

1. Unused charters to be void.
2. No charter to be validated or amended except on condition.
3. Right of eminent domain not to be abridged or police power limited.
4. Cumulative voting in stockholder elections.
5. Foreign corporations to have places of business in State.
6. Corporations not to engage in business unauthorized by charters.
7. Fictitious increase of stock or bonds forbidden.
8. Taking of private property to be compensated.
9. Bank notes and bills to be secured.
10. Repeal of charter authorized.—No law to create more than one charter.



Section

11. Notice of bills to create banks.  
—Bank charters limited to twenty years.
12. Telegraph lines.
13. The word "corporation" defined.

ARTICLE XVII.

*Railroads and Canals.*

1. Railroads and canals, public highways.—Shall have connection and use of connecting roads.
2. To keep offices in the State.
3. Discriminations in charges for freight and passengers prohibited.
4. Consolidation with competing companies prohibited.
5. Common carrier corporations not to engage in mining, etc.
6. Officers, etc., of companies not to engage in transportation business.
7. No discrimination in charges to transporters.
8. Free passes on railroads prohibited.
9. Passenger railroads not to be constructed without consent of municipal authorities.
10. Acceptance of this article by companies.
11. Duties of Auditor-General as to companies transferred to Secretary of Internal Affairs.
12. General Assembly to enforce the provisions of this article.

ARTICLE XVIII.

*Future Amendments.*

1. Amendments may be proposed by Legislature.—Amendments not to be submitted oftener than once in five years.

SCHEDULE.

Section

1. When Constitution to take effect.
2. Laws in force.
3. Senators to be elected when there are vacancies.
4. To be elected from even districts.
5. First election for Governor.
6. Lieutenant-Governor, when to be elected.
7. Secretary of Internal Affairs.
8. Superintendent of Common Schools, office to cease.
9. Re-election.
10. Supreme Court judges.
11. Courts of Record.
12. Register's courts to be abolished.
13. Judicial districts.
14. The same of the census.
15. Judges to hold office.
16. Presiding judge.
17. Compensation of judges of Supreme Court.
18. Courts of Common Pleas.
19. In regard to judges.
20. Courts.
21. Causes pending.
22. The same.
23. The prothonotary of Court of Common Pleas.
24. Aldermen in cities over 50,000 inhabitants.
25. Philadelphia magistrates.
26. Term of those in office to continue till it expires.
27. As to the seventh article.
28. County commissioners and auditors, terms of office.
29. Salaries of officers.
30. All State and judicial officers to take oath of office.
31. Laws to be passed.
32. Certain ordinance to be valid.
33. County commissioners, defined.

## PREAMBLE.

We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

## ARTICLE I.

*Declaration of Rights.*

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, we declare that—

Section 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Sec. 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

Sec. 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.

Sec. 4. No person who acknowledges the being of a God, and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

Sec. 5. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.

Sec. 7. The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature or

any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Sec. 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

Sec. 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favors, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

Sec. 10. No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or in public danger, or by leave of the court for oppression or misdemeanor in office. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

Sec. 11. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered

without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

Sec. 12. No power of suspending laws shall be exercised unless by the Legislature or by its authority.

Sec. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Sec. 14. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Sec. 15. No commission of oyer and terminer or jail delivery shall be issued.

Sec. 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his debtors in such manner as shall be prescribed by law.

Sec. 17. No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

Sec. 18. No person shall be attainted of treason or felony by the Legislature.

Sec. 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof.

Sec. 20. The citizens have a right in a peaceable manner to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Sec. 21. The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

Sec. 22. No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner prescribed by law.

Sec. 24. The Legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior.

Sec. 25. Emigration from the State shall not be prohibited.

Sec. 26. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

## ARTICLE II.

### *The Legislature.*

Section 1. The legislative power of this Commonwealth shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives.

Sec. 2. Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either house, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

Sec. 3. Senators shall be elected for the term of four years and Representatives for the term of two years.

Sec. 4. The General Assembly shall meet at twelve o'clock, noon, on the first Tuesday of January every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two houses, by proclamation on notice not exceeding sixty days, to fill the same.

Sec. 5. Senators shall be at least twenty-five years of age and Representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States or of this State), and shall reside in their respective districts during their terms of office.

Sec. 6. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress, or other person, holding any office (except of attorney-at-law or in the militia) under the United States, or this Commonwealth, shall be a member of either house during his continuance in office.

Sec. 7. No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.

Sec. 8. The members of the General Assembly shall receive such salary or mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either house shall, during the term for which he may have been elected, receive any increase in salary, or mileage, under any law passed during such term.

Sec. 9. The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members president pro tempore, who shall perform the duties of the Lieutenant-Governor, in any case of absence or disability of that officer, and whenever the said office of Lieutenant-Governor shall be vacant. The House of Representatives shall elect one of its members as speaker. Each house shall choose its other officers, and shall judge of the election and qualifications of its members.

Sec. 10. A majority of each house shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

Sec. 11. Each house shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either house, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Sec. 12. Each house shall keep a journal of its proceedings and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

Sec. 13. The sessions of each house and of the committees of the whole shall be open, unless when the business is such as ought to be kept secret.

Sec. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. 15. The members of the General Assembly shall in all cases, except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

Sec. 16. The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio; and no county shall be divided unless entitled to two or more Senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

Sec. 17. The members of the House of Representatives shall be apportioned among the several counties, on a ratio ascertained by dividing the population of the State as ascertained by the most recent United States census by two hundred. Every county containing less than five ratios shall have one Representa-

tive for every full ratio, and an additional Representative when the surplus exceeds half a ratio; but each county shall have at least one Representative. Every county containing five ratios or more shall have one Representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the Representatives allotted to the county in which it is located. Every city entitled to more than four Representatives, and every county having over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of Representatives, according to its population, but no district shall elect more than four Representatives.

\*Sec. 18. The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts agreeably to the provisions of the two next preceding sections.

### ARTICLE III.

#### *Legislation.*

Section 1. No law shall be passed except by bill, and no bill shall be altered or amended, on its passage through either house, as to change its original purpose.

Sec. 2. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members.

Sec. 3. No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

Sec. 4. Every bill shall be read at length on three different days in each house; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same to be entered on the journal, and a majority of the members elected to each house be recorded thereon as voting in its favor.

Sec. 5. No amendment to bills by one house shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof;



and reports of committees of conference shall be adopted in either house only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded on the journals.

Sec. 6. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended or extended or conferred shall be re-enacted and published at length.

Sec. 7. The General Assembly shall not pass any local or special law :

Authorizing the creation, extension and impairing of liens;

Regulating the affairs of counties, cities, townships, wards, boroughs or school districts;

Changing the names of persons or places;

Changing the venue in civil or criminal cases;

Authorizing the laying out, opening, altering or maintaining, roads, highways, streets or alleys;

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

Vacating roads, town plats, streets or alleys;

Relating to cemeteries, graveyards or public grounds not of the State;

Authorizing the adoption or legitimation of children;

Locating or changing county seats, erecting new counties or changing county lines;

Incorporating cities, towns or villages, or changing their charters;

For the opening and conducting of elections, or fixing or changing the place of voting;

Granting divorces;

Erecting new townships or boroughs, changing township lines, borough limits or school districts;

Creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts;

Changing the law of descent or succession;

Regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitra-

tors, auditors, masters in chancery or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate;

Regulating the fees or extending the powers and duties of aldermen, justices of the peace, magistrates or constables;

Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes;

Fixing the rate of interest;

Affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment;

Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury;

Exempting property from taxation;

Regulating labor, trade, mining or manufacture;

Creating corporations, or amending, renewing or extending the charters thereof;

Granting to any corporation, association or individual any special or exclusive privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track;

Nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed;

Nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

Sec. 8. No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be affected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published, shall be exhibited in the General Assembly, before such act shall be passed.

Sec. 9. The presiding officer of each house shall, in the presence of the house over which he resides, sign all bills and joint resolutions passed by the General Assembly, after their titles

have been publicly read immediately before signing; and the fact of signing shall be entered on the journal.

Sec. 10. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each house, and no payment shall be made from the State treasury, or be in any way authorized, to any person, except to an acting officer or employe elected or appoluted in pursuance of law.

Sec. 11. No bill shall be passed giving any extra compensation of any public officer, servant, employe, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth without previous authority of law.

Sec. 12. All stationery, printing paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor-General and State Treasurer.

Sec. 13. No law shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

Sec. 14. All bills for raising revenue shall originate in the House of Representatives, but the Senate may oppose amendments as in other bills.

Sec. 15. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the Commonwealth, interest on the public debt and for the public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 16. No money shall be paid out of the treasury, except upon appropriations made by law, and on warrants drawn by the proper officer in pursuance thereof.

Sec. 17. No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each house.

Sec. 18. No appropriations, except for pensions or gratuities for military services shall be made for charitable, educational or benevolent purposes, to any person or community, nor to any denominational or sectarian institution, corporation or association.

Sec. 19. The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated; but such appropriation shall be applied exclusively to the support of such widows and orphans.

Sec. 20. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Sec. 21. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to person or property; and, in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

Sec. 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees, in the bonds or stock of any private corporation, and such acts now existing are avoided, saving investments heretofore made.

Sec. 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Sec. 24. No obligation or liability of any railroad or other corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed or in any way diminished by the General Assembly, nor shall such liability or obligation be released, except by payment thereof into the State Treasury.

Sec. 25. When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Sec. 26. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on the question of adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Sec. 27. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

Sec. 28. No law changing the location of the capital of the State shall be valid until the same shall have been submitted to the qualified electors of the Commonwealth at the general election, and ratified and approved by them.

Sec. 29. A member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, or from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence or for withholding the same, or with an understanding expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities

provided thereby for said offense, and such additional punishment as is or shall be provided by law.

Sec. 30. Any person who shall, directly or indirectly, offer, give or promise, any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law.

Sec. 31. The offense of corrupt solicitation of members of the General Assembly or of public officers of the State or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

Sec. 32. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this Commonwealth.

Sec. 33. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the house of which he is a member, and shall not vote thereon.

#### ARTICLE IV.

##### *The Executive.*

Section 1. The executive department of this Commonwealth shall consist of a Governor, Lieutenant-Governor, Secretary of the Commonwealth, Attorney-General Auditor-General, State Treasurer, Secretary of Internal Affairs and a Superintendent of Public Instruction.

Sec. 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully exe-

cuted; he shall be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote for Representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the President of the Senate, who shall open and publish them in the presence of the members of both houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both houses. Contested elections shall be determined by a committee, to be selected from both houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.

Sec. 3. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

Sec. 4. A Lieutenant-Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be President of the Senate, but shall have no vote unless they be equally divided.

Sec. 5. No person shall be eligible to the office of Governor or Lieutenant-Governor except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the State, unless he shall have been absent on the public business of the United States or of this State.

Sec. 6. No member of Congress or person holding any office under the United States or this State shall exercise the office of Governor or Lieutenant-Governor.

Sec. 7. The Governor shall be commander-in-chief of the army and navy of the Commonwealth, and of the militia, except when they are called into the actual service of the United States.

Sec. 8. He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney-General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the Constitution or any law to appoint; he shall have power to fill all vacancies that may happen, in offices to which he may appoint during the recess of the Senate, by grant-

ing commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor-General, State Treasurer, Secretary of Internal Affairs or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy, in an elective office, a person shall be chosen to said office at the next general election, unless the vacancy shall happen within three calendar months immediately preceding such election, in which case the election for said office shall be held at the second succeeding general election. In acting on executive nominations the Senate shall sit with open doors, and, in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays, and shall be entered on the journal.

Sec. 9. He shall have the power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant-Governor, Secretary of the Commonwealth, Attorney-General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session, and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

Sec. 10. He may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

Sec. 11. He shall, from time to time, give to the General Assembly information of the State of the Commonwealth, and recommend to their consideration such measures as he may judge expedient.

Sec. 12. He may, on extraordinary occasions, convene the General Assembly, and in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session by proclamation for the transaction of executive business.



Sec. 13. In case of the death, conviction on impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant-Governor.

Sec. 14. In case of a vacancy in the office of Lieutenant-Governor, or when the Lieutenant-Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties and emolument thereof for the remainder of the term, or until the disability be removed, shall devolve upon the President pro tempore of the Senate; and the president pro tempore of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as Senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the Senate.

Sec. 15. Every bill which shall have passed both houses shall be presented to the Governor; if he approve he shall sign it, but if he shall not approve he shall return it with his objections to the house in which it shall have originated, which house shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent with the objections to the other house by which likewise it shall be reconsidered, and if approved by two-thirds of all the members elected to that house it shall be a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of the Commonwealth, and give notice thereof by public proclamation within thirty days after such adjournment.

Sec. 16. The Governor shall have power to disapprove of any item or items of any bill, making appropriations of money, embracing distinct items, and the part or parts of the bill

approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Sec. 17. The Chief Justice of the Supreme Court shall preside upon trial of any contested election of Governor or Lieutenant-Governor and decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor and Lieutenant-Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

Sec. 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly, and perform such other duties as may be enjoined upon him by law.

Sec. 19. The Secretary of Internal Affairs shall exercise all the powers and perform all the duties of the Surveyor-General, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics, and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber and other material or business interest of the State as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

Sec. 20. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes as shall be made by law.

Sec. 21. The term of the Secretary of Internal Affairs shall be four years; of the Auditor-General three years; and of the State Treasurer two years. These officers shall be chosen by the qualified electors of the State at general elections. No person elected to the office of Auditor-General or State Treasurer shall be capable of holding the same office for two consecutive terms.

Sec. 22. The present Great Seal of Pennsylvania shall be the seal of the State. All commissions shall be in the name

and by authority of the Commonwealth of Pennsylvania, and be sealed with the State seal and signed by the Governor.

## ARTICLE V.

### *The Judiciary.*

Section 1. The judicial power of this Commonwealth shall be vested in a Supreme Court, in courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' courts, magistrates' courts, and in such other courts as the General Assembly may from time to time establish.

Sec. 2. The Supreme Court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice, and thereafter each judge whose commission shall first expire shall in turn be chief justice.

Sec. 3. The jurisdiction of the Supreme Court shall extend over the State, and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties; they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of habeas corpus, of mandamus to courts of inferior jurisdiction, and of quo warranto as to all officers of the Commonwealth whose jurisdiction extends over the State, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction by appeal, certiorari or writ of error in all cases, as is now or may hereafter be provided by law.

Sec. 4. Until otherwise directed by law, the courts of common pleas shall continue as at present established, except as herein changed; not more than four counties shall, at any time, be included in one judicial district organized for said courts.

Sec. 5. Whenever a county shall contain forty thousand inhabitants it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may

be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in the law, is abolished in counties forming separate districts; but the several associate judges in office when this Constitution shall be adopted shall serve for their unexpired terms.

Sec. 6. In the counties of Philadelphia and Allegheny all the jurisdiction and powers now vested in the district courts and courts of common pleas, subject to such changes as may be made by this Constitution or by law, shall be in Philadelphia vested in four, and in Allegheny in two, distinct and separate courts of equal and co-ordinate jurisdiction, composed of three judges each; the said courts in Philadelphia shall be designated respectively as the court of common pleas number one, number two, number three and number four, and in Allegheny as the court of common pleas number one and number two, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers; the number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia all suits shall be instituted in the said courts of common pleas without designating the number of said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law. In Allegheny each court shall have exclusive jurisdiction of all proceedings at law and in equity, commenced therein, subject to change of venue as may be provided by law.

Sec. 7. For Philadelphia there shall be one prothonotary's office, and one prothonotary for all said courts to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be

by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

Sec. 8. The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn detail one or more of their judges to hold the courts of oyer and terminer and the courts of quarter sessions of the peace of said counties, in such manner as may be directed by law.

Sec. 9. Judges of the courts of common pleas learned in the law shall be judges of the courts of oyer and terminer, quarter sessions of the peace and general jail delivery, and of the orphans' court, and within their respective districts shall be justices of the peace as to criminal matters.

Sec. 10. The judges of the courts of common pleas, within their respective counties, shall have power to issue writs of certiorari to justices of the peace and other inferior courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done.

Sec. 11. Except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs and townships at the time of the election of constables by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of five years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

Sec. 12. In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be five years, and they shall be elected on general ticket by the qualified voters at large; and in the election of

the said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished.

Sec. 13. All fees, fines and penalties in said courts shall be paid into the county treasury.

Sec. 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate, or court not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court or judge thereof upon cause shown.

Sec. 15. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each house of the General Assembly.

Sec. 16. Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for not more than two; candidates highest in vote shall be declared elected.

Sec. 17. Should any two or more judges of the Supreme Court, or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

Sec. 18. The judges of the Supreme Court and the judges of the several courts of common pleas, and all other judges required to be learned in the law, shall at stated times receive for their services an adequate compensation, which shall be fixed by law, and paid by the State. They shall receive no other

compensation, fees or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this State or any other State.

Sec. 19. The judges of the Supreme Court during their continuance in office, shall reside within this Commonwealth; and the other judges, during their continuance in office, shall reside within the districts for which they shall be respectfully elected.

Sec. 20. The several courts of common pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this Commonwealth, or as may hereafter be conferred upon them by law.

Sec. 21. No duties shall be imposed by law upon the Supreme Court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power or appointment except as herein provided. The court of nisi prius is hereby abolished, and no court of original jurisdiction to be presided over by any one or more of the judges of the Supreme Court shall be established.

Sec. 22. In every county wherein the population shall exceed one hundred and fifty thousand, the General Assembly shall, and in any other county may, establish a separate orphans' court, to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' courts, and thereupon the jurisdiction of the judges of the court of common pleas within such county, in orphans' court proceedings, shall cease and determine. In any county in which a separate orphans' court shall be established, the register of wills shall be clerk of such court and subject to its directions, in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said separate orphans' court shall be audited by the court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. In every county orphans' courts shall possess all the powers and jurisdiction of a registers' court, and separate registers' courts are hereby abolished.

Sec. 23. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

Sec. 24. In all cases of felonious homicide, and in such other criminal cases as may be provided for by law, the accused after conviction and sentence, may remove the indictment, record and all proceedings to the Supreme Court for review.

Sec. 25. Any vacancy happening by death, resignation or otherwise, in any court of record, shall be filled by appointment by the Governor, to continue till the first Monday of January next succeeding the first general election, which shall occur three or more months after the happening of such vacancy.

Sec. 26. All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts, shall be uniform; and the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of common pleas and orphans' courts.

Sec. 27. The parties, by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.

## ARTICLE VI.

### *Impeachment and Removal from Office.*

Section 1. The House of Representatives shall have the sole power of impeachment.

Sec. 2. All impeachments shall be tried by the Senate; when sitting for that purpose the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members present.

Sec. 3. The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this



Commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Sec. 4. All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed officers, other than judges of the courts of record and the Superintendent of Public Instruction, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant-Governor, Members of the General Assembly, and judges of the courts of record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

#### ARTICLE VII.

##### *Oath of Office.*

Section 1. Senators and Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the Supreme Court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to

take said oath or affirmation shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth. The oath to the members of the Senate and House of Representatives shall be administered by one of the judges of the Supreme Court or of a court of common pleas learned in the law, in the hall of the house to which the members shall be elected.

### ARTICLE VIII.

#### *Suffrage and Elections.*

Section 1. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections.

First. He shall have been a citizen of the United States at least one month.

Second. He shall have resided in the State one year (or if, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then six months), immediately preceding the election.

Third. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

Fourth. If twenty-two years of age or upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

Sec. 2. The general election shall be held annually on the Tuesday next following the first Monday of November, but the General Assembly may by law fix a different day, two-thirds of all the members of each house consenting thereto.

Sec. 3. All elections for city, ward, borough and township officers, for regular terms of service, shall be held on the third Tuesday of February.

Sec. 4. All elections by the citizens shall be by ballot. Every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the elector who presents the

ballot. Any elector may write his name upon his ticket or cause the same to be written thereon and attested by a citizen of the district. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted unless required to do so as witnesses in a judicial proceeding.

Sec. 5. Electors shall in all cases except treason, felony and breach of surety of the peace, be privileged from arrest during their attendance on elections, and in going and returning therefrom.

Sec. 6. Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a requisition from the President of the United States, or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election.

Sec. 7. All laws regulating the holding of elections by the citizens, or for the registration of electors, shall be uniform throughout the State, but no elector shall be deprived of the privilege of voting by reason of his name not being registered.

Sec. 8. Any person, who shall give, or promise or offer to give, to any elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

Sec. 9. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or willful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth; and any person convicted of willful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

Sec. 10. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony.

Sec. 11. Townships, and wards of cities or boroughs, shall form or be divided into election districts or compact and contiguous territory, in such manner as the Court of Quarter Sessions of the city or county in which the same are located may direct; but districts in cities of over one hundred thousand inhabitants shall be divided by the Courts of Quarter Sessions, having jurisdiction therein, whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interest will be promoted thereby.

Sec. 12. All elections by persons in a representative capacity shall be *viva voce*.

Sec. 13. For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poor-house or other asylum at public expense, nor while confined in public prison.

Sec. 14. District election boards shall consist of a judge and two inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled, as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record or judge thereof, for an election fraud, for felony, or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

Sec. 15. No person shall be qualified to serve as an election officer who shall hold, or within two months have held any office, appointment or employment in or under the government of the United States or of this State, or of any city, or county, or of any municipal board, commission or trust in any city, save only justices of the peace and aldermen, notaries public and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law.

Sec. 16. The Courts of Common Pleas of the several counties of the Commonwealth shall have power, within their respective jurisdictions, to appoint overseers of election to supervise the proceedings of election officers and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties; whenever a member of an election board shall differ in opinion the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

Sec. 17. The trial and determination of contested elections of electors of President and Vice-President, members of the General Assembly, and of all public officers, whether State, judicial, municipal or local, shall be by the courts of law, or by one or more of the law judges thereof; the General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

## ARTICLE IX.

*Taxation and Finance.*

Section 1. All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity.

Sec. 2. All laws exempting property from taxation, other than the property above enumerated, shall be void.

Sec. 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

Sec. 4. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasions, suppress insurrection, defend the State in war, or to pay existing debts; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million of dollars.

Sec. 5. All laws authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

Sec. 6. The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association, nor shall the Commonwealth become a joint owner or stockholder in any company, association or corporation.

Sec. 7. The General Assembly shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

Sec. 8. The debt of any county, city, borough, township, school district or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon

such assessed valuation of property, without the assent of the electors thereof at a public election in such manner as shall be provided by law; but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum, in the aggregate at any one time, upon such valuation.

Sec. 9. The Commonwealth shall not assume the debt, or any part thereof, of any city, county, borough or township, unless such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness.

Sec. 10. Any county, township, school district or other municipality incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.

Sec. 11. To provide for the payment of the present State debt, and any additional debt contracted as aforesaid, the General Assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works or any part thereof, and of the income or proceeds of the sale of any stocks owned by the Commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time by assigning to it any part of the taxes or other revenues of the State not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

Sec. 12. The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the State, either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States or of this State.

Sec. 13. The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall

be secured and kept as may be provided by law. Monthly statements shall be published showing the amount of such moneys, where the same are deposited, and how secured.

Sec. 14. The making profit out of the public moneys or using the same for any purpose not authorized by law by any officer of the State, or member or officer of the General Assembly, shall be a misdemeanor and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years.

## ARTICLE X.

### *Education.*

Section 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth above the age of six years may be educated, and shall appropriate at least one million dollars each year for that purpose.

Sec. 2. No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

Sec. 3. Women twenty-one years of age and upwards shall be eligible to any office of control or management under the school laws of this State.

## ARTICLE XI.

### *Militia.*

Section 1. The freemen of this Commonwealth shall be armed, organized and disciplined for its defense when and in such manner as may be directed by law. The General Assembly shall provide for maintaining the militia by appropriations from the treasury of the Commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms.

## ARTICLE XII.

### *Public Officers.*

Section 1. All officers whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law.



Sec. 2. No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fee or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

Sec. 3. Any person who shall fight a duel or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.

### ARTICLE XIII.

#### *New Counties.*

Section 1. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants; nor shall any county be formed of less area, or containing a less population; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

### ARTICLE XIV.

#### *County Officers.*

Section 1. County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.

Sec. 2. County officers shall be elected at the general elections and shall hold their offices for the term of three years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for shall be filled in such manner as may be provided by law.

Sec. 3. No person shall be appointed to any office within any county who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have

been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

Sec. 4. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.

Sec. 5. The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by him or for him.

Sec. 6. The General Assembly shall provide by law for the strict accountability of all county, township and borough officers, as well for the fees which may be collected by them as for all public or municipal moneys which may be paid to them.

Sec. 7. The county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand eight hundred and seventy-five and every third year thereafter; and in the election of said officers, each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled by the Court of Common Pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

## ARTICLE XV.

### *Cities and City Charters.*

Section 1. Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same.

Sec. 2. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

Sec. 3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

#### ARTICLE XVI.

##### *Private Corporations.*

Section 1. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Sec. 2. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

Sec. 3. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the State.

Sec. 4. In all elections for directors or managers of a corporation each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

Sec. 5. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

Sec. 6. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

Sec. 7. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The

stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

Sec. 8. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporation or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall on the demand of either party be determined by a jury according to the course of the common law.

Sec. 9. Every banking law shall provide for the registry and countersigning, by an officer of the State, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the Auditor-General for the redemption of such notes or bills.

Sec. 10. The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

Sec. 11. No corporate body to possess banking and discounting privileges shall be created or organized in pursuance of any law without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years.

Sec. 12. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the

same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of any other telegraph company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

Sec. 13. The term "corporations," as used in this article, shall be construed to include all joint-stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

## ARTICLE XVII.

### *Railroads and Canals.*

Section 1. All railroads and canals shall be public highways, and all railroads and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its roads to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage and cars loaded or empty, without delay or discrimination.

Sec. 2. Every railroad and canal corporation, organized in this State shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

Sec. 3. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers within the State or coming from or going to any other State. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property

of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

Sec. 4. No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad or canal corporation, shall consolidate the stock, property or franchises of such corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

Sec. 5. No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company, directly or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal not exceeding fifty miles in length.

Sec. 6. No president, director, officer, agent or employe of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

Sec. 7. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise, and no railroad or canal company, or any lessee, manager or employe thereof, shall make any preferences in furnishing cars or motive power.

Sec. 8. No railroad, railway or other transportation company shall grant free passes, or passes at a discount, to any person except officers or employes of the company.

Sec. 9. No street passenger railway shall be constructed within the limits of any city, borough or township, without the consent of its local authorities.

Sec. 10. No railroad, canal or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

Sec. 11. The existing powers and duties of the Auditor-General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

Sec. 12. The General Assembly shall enforce by appropriate legislation the provisions of this article.

## ARTICLE XVIII.

### *Future Amendments.*

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and, if in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner, and at such time at least three months after being so agreed to by the two houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those

voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

#### SCHEDULE.

That no inconvenience may arise from the changes in the Constitution of the Commonwealth, and in order to carry the same into complete operation, it is hereby declared, that:

Section 1. This Constitution shall take effect on the first day of January, in the year one thousand eight hundred and seventy-four, for all purposes not otherwise provided for therein.

Sec. 2. All laws in force in this Commonwealth at the time of the adoption of this Constitution not inconsistent therewith, and all rights, actions, prosecutions and contracts shall continue as if this Constitution had not been adopted.

Sec. 3. At the general election in the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, Senators shall be elected in all districts where there shall be vacancies. Those elected in the year one thousand eight hundred and seventy-four shall serve for two years, and those elected in the year one thousand eight hundred and seventy-five shall serve for one year. Senators now elected and those whose terms are unexpired shall represent the districts in which they reside until the end of the terms for which they were elected.

Sec. 4. At the general election in the year one thousand eight hundred and seventy-six, Senators shall be elected from even numbered districts to serve for two years, and from odd numbered districts to serve for four years.

Sec. 5. The first election of Governor under this Constitution shall be at the general election in the year one thousand eight hundred and seventy-five, when a Governor shall be elected for three years; and the term of the Governor elected in the year one thousand eight hundred and seventy-eight and of those thereafter elected shall be for four years, according to the provisions of this Constitution.

Sec. 6. At the general election in the year one thousand eight hundred and seventy-four, a Lieutenant-Governor shall be elected according to the provisions of this Constitution.



Sec. 7. The Secretary of Internal Affairs shall be elected at the first general election after the adoption of this Constitution; and, when the said officer shall be duly elected and qualified, the office of Surveyor-General shall be abolished. The Surveyor-General in office at the time of the adoption of this Constitution shall continue in office until the expiration of the term for which he was elected.

Sec. 8. When the Superintendent of Public Instruction shall be duly qualified the office of Superintendent of Common Schools shall cease.

Sec. 9. Nothing contained in this Constitution shall be construed to render any person now holding any State office for a first official term ineligible for re-election at the end of such term.

Sec. 10. The judges of the Supreme Court in office when this Constitution shall take effect shall continue until their commissions severally expire. Two judges in addition to the number now composing the said court shall be elected at the first general election after the adoption of this Constitution.

Sec. 11. All courts of record and all existing courts which are not specified in this Constitution shall continue in existence until the first day of December, in the year one thousand eight hundred and seventy-five, without abridgment of their present jurisdiction, but no longer. The court of first criminal jurisdiction for the counties of Schuylkill, Lebanon and Dauphin is hereby abolished, and all causes and proceedings pending therein in the county of Schuylkill shall be tried and disposed of in the Courts of Oyer and Terminer and Quarter Sessions of the Peace of said county.

Sec. 12. The registers' courts now in existence shall be abolished on the first day of January next succeeding the adoption of this Constitution.

Sec. 13. The General Assembly shall, at the next session after the adoption of this Constitution, designate the several judicial districts as required by this Constitution. The judges in commission when such designation shall be made shall continue during their unexpired terms judges of the new districts in which they reside; but, when there shall be two judges residing in the same district, the president judge shall elect to which district he shall be assigned, and the additional law judge shall be assigned to the other district.

Sec. 14. The General Assembly shall, at the next succeeding session after each decennial census and not oftener, designate the several judicial districts as required by this Constitution.

Sec. 15. Judges learned in the law of any court of record holding commissions in force at the adoption of this Constitution shall hold their respective offices until the expiration of the terms for which they were commissioned, and until their successors shall be duly qualified. The Governor shall commission the president judge of the court of first criminal jurisdiction for the counties of Schuylkill, Lebanon and Dauphin as a judge of the Court of Common Pleas of Schuylkill county, for the unexpired term of his office.

Sec. 16. After the expiration of the term of any president judge of any Court of Common Pleas, in commission at the adoption of this Constitution, the judge of such court learned in the law and oldest in commission shall be the president judge thereof; and when two or more judges are elected at the same time in any judicial district they shall decide by lot which shall be president judge; but when a president judge of a court shall be re-elected he shall continue to be president judge of that court. Associate judges not learned in the law, elected after the adoption of this Constitution, shall be commissioned to hold their offices for the term of five years from the first day of January next after their election.

Sec. 17. The General Assembly, at the first session after the adoption of this Constitution, shall fix and determine the compensation of the judges of the Supreme Court and of the judges of the several judicial districts of the Commonwealth; and the provisions of the fifteenth section of the article on legislation shall not be deemed inconsistent herewith. Nothing contained in this Constitution shall be held to reduce the compensation now paid to any law judge of this Commonwealth now in commission.

Sec. 18. The Courts of Common Pleas in the counties of Philadelphia and Allegheny shall be composed of the present judges of the District Court and Court of Common Pleas of said counties until their offices shall severally end, and of such other judges as may from time to time be selected. For the purpose of first organization in Philadelphia the judges of the court number one shall be Judges Allison, Pierce and Paxson; of the court number two, Judges Hare, Mitchell and one other judge to be elected; of

the court number three, Judges Ludlow, Finletter and Lynd; and of the court number four, Judges Thayer, Briggs and one other judge to be elected. The judge first named shall be the president judge of said courts respectively, and thereafter the president judge shall be the judge oldest in commission; but any president judge re-elected in the same court or district, shall continue to be president judge thereof. The additional judges for courts numbers two and four shall be voted for and elected at the first general election after the adoption of this Constitution, in the same manner as the two additional judges of the Supreme Court, and they shall decide by lot to which court they shall belong. Their term of office shall commence on the first Monday of January, in the year one thousand eight hundred and seventy-five.

Sec. 19. In the county of Allegheny, for the purpose of first organization under this Constitution, the judges of the Court of Common Pleas, at the time of the adoption of this Constitution, shall be the judges of the court number one, and the judges of the District Court, at the same date, shall be the judges of the Common Pleas number two. The president judges of the Common Pleas and District Court shall be president judge of said courts number one and two, respectively, until their offices shall end; and thereafter the judge oldest in commission shall be president judge; but any president judge re-elected in the same court or district, shall continue to be president judge thereof.

Sec. 20. The organization of the Courts of Common Pleas under this Constitution for the counties of Philadelphia and Allegheny shall take effect on the first Monday of January, one thousand eight hundred and seventy-five, and existing courts in said counties shall continue with their present powers and jurisdiction until that date, but no new suits shall be instituted in the courts of nisi prius after the adoption of this Constitution.

Sec. 21. The causes and proceedings pending in the court of nisi prius, Court of Common Pleas and District Court in Philadelphia shall be tried and disposed of in the Court of Common Pleas. The records and dockets of said courts shall be transferred to the prothonotary's office of said county.

Sec. 22. The causes and proceedings pending in the Court of Common Pleas in the county of Allegheny shall be tried and disposed of in the court number one; and the causes and pro-

ceedings pending in the District Court shall be tried and disposed of in the court number two.

Sec. 23. The prothonotary of the Court of Common Pleas of Philadelphia shall be first appointed by the judges of the said court on the first Monday of December in the year one thousand eight hundred and seventy-five, and the present prothonotary of the District Court in said county shall be the prothonotary of the said Court of Common Pleas until said date when his commission shall expire, and the present clerk of the Court of Oyer and Terminer and Quarter Sessions of the Peace in Philadelphia shall be the clerk of such court until the expiration of his present commission on the first Monday of December, in the year one thousand eight hundred and seventy-five.

Sec. 24. In cities containing over fifty thousand inhabitants except Philadelphia, all aldermen in office at the time of the adoption of this Constitution shall continue in office until the expiration of their commissions, and at the election for city and ward officers in the year one thousand eight hundred and seventy-five one alderman shall be elected in each ward as provided in this Constitution.

Sec. 25. In Philadelphia magistrates in lieu of aldermen shall be chosen as required in this Constitution, at the election in said city for city and ward officers in the year one thousand eight hundred and seventy-five; their term of office shall commence on the first Monday of April succeeding their election. The terms of office of aldermen in said city holding or entitled to commissions at the time of the adoption of this Constitution shall not be affected thereby.

Sec. 26. All persons in office in this Commonwealth at the time of the adoption of this Constitution, and at the first election under it, shall hold their respective offices until the term for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this Constitution.

Sec. 27. The seventh article of this Constitution prescribing an oath of office shall take effect on and after the first day of January, one thousand eight hundred and seventy-five.

Sec. 28. The terms of office of county commissioners and county auditors, chosen prior to the year one thousand eight hun-

dred and seventy-five, which shall not have expired before the first Monday of January, in the year one thousand eight hundred and seventy-six, shall expire on that day.

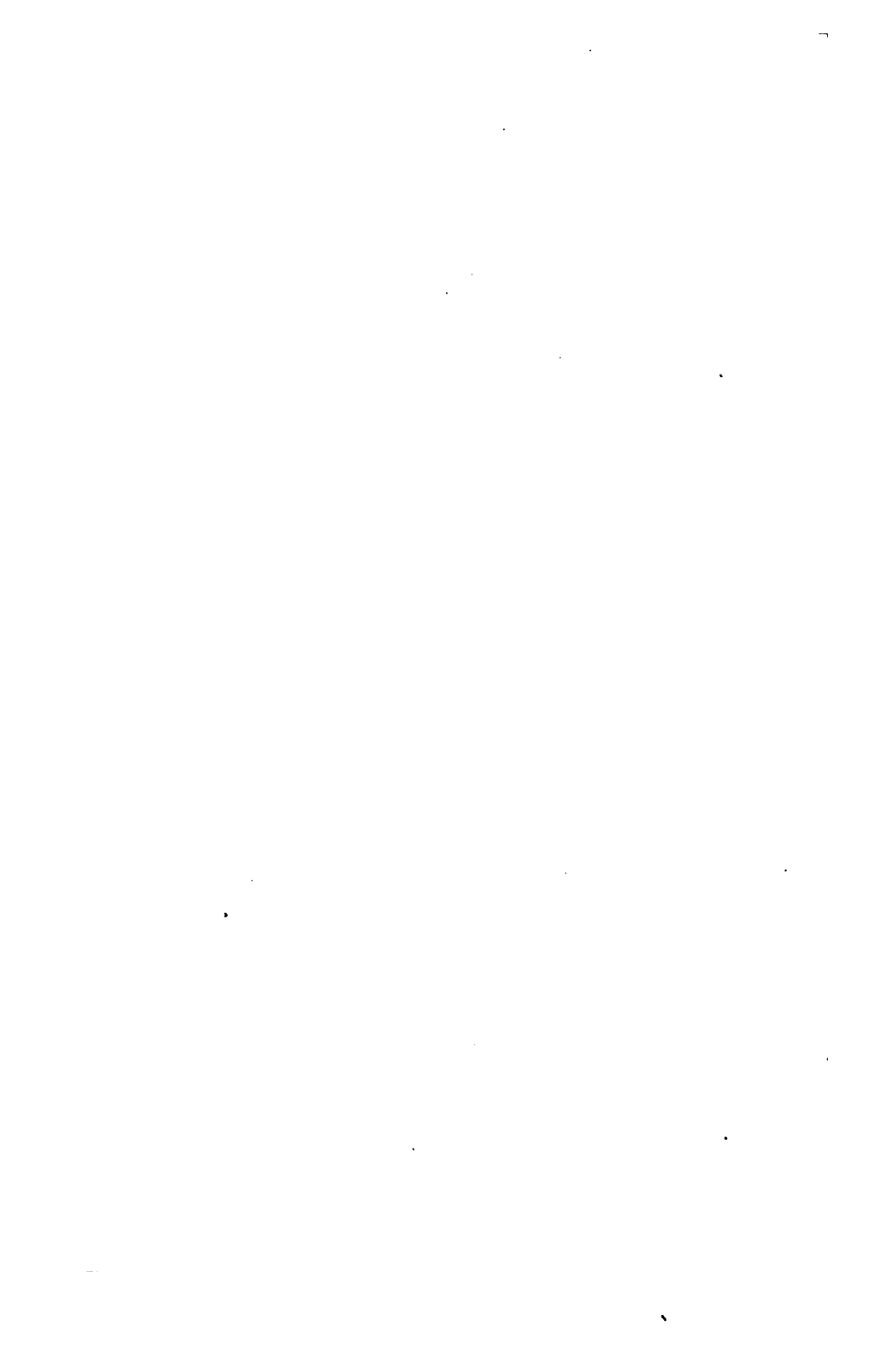
Sec. 29. All State, county, city, ward, borough and township officers in office at the time of the adoption of this Constitution, whose compensation is not provided for by salaries alone, shall continue to receive the compensation allowed them by law until the expiration of their respective terms of office.

Sec. 30. All State and judicial officers heretofore elected, sworn, or affirmed, or in office when this Constitution shall take effect, shall severally within one month after such adoption, take and subscribe an oath or affirmation, to support this Constitution.

Sec. 31. The General Assembly, at its first session, or as soon as may be after the adoption of this Constitution, shall pass such laws as may be necessary to carry the same into full force and effect.

Sec. 32. The ordinance passed by this convention entitled "An ordinance for submitting the amended Constitution of Pennsylvania to a vote of the electors thereof," shall be held to be valid for all the purposes thereof.

Sec. 33. The words "county commissioners," whenever used in this Constitution and in any ordinance accompanying the same, shall be held to include the commissioners for the city of Philadelphia.



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CONSTITUTION  
OF THE  
STATE OF RHODE ISLAND.

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# CONSTITUTION OF THE STATE OF RHODE ISLAND.

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## ARTICLE I.

### *Declaration of Rights.*

#### Section

1. Right of the people to make and alter their constitution.
2. Object of government.—How laws should be made and burdens distributed.
3. Religious freedom secured.
4. Slavery prohibited.
5. Laws should provide remedies.—Justice should be free, complete, prompt.
6. Rights of search and seizure regulated.
7. Provisions concerning criminal proceedings.
8. Bail, fines and punishments.
9. Bail and habeas corpus.
10. Rights of the accused in criminal proceedings.
11. Debtors entitled to relief.
12. No ex post facto law, etc., to be passed.
13. No man to criminate himself.
14. Presumption of innocence.—Accused to be secured without severity.
15. Trial by jury.
16. Private property secured.
17. Rights of fishery.
18. Military subordinate.—Martial law.
19. Of quartering soldiers.
20. Liberty of press secured.—Truth as a defense to libels.
21. Right of people to assemble, and to petition.
22. Right to bear arms.
23. Rule of construction.

## ARTICLE II.

### *Electors.*

1. Of electors owning real estate.
2. Of electors qualified to vote on adoption of Constitution.—Reg-

#### Section

1. Istered voters.—Qualified by dollar tax.—Military duty.—Who to vote for city council in Providence, to impose a tax, etc.
2. Of assessment and payment of registry tax.
4. Who shall not gain residence, or be permitted to vote.
5. Residents on land ceded, etc., not electors.
6. Power of General Assembly over elections.

## ARTICLE III.

### *Powers Distributed.*

Three departments.

## ARTICLE IV.

### *Legislative Power.*

1. Constitution supreme law.
2. Two houses.—General Assembly.—Style of laws.
3. Sessions of General Assembly.
4. Members not to take fees, etc.
5. Members exempt from arrest, etc.
6. Powers of each house.—Organization.
7. Powers to make rules, etc.
8. Of the journal, and yeas and nays.
9. Of adjournments.
10. Of powers not prohibited.
11. Pay of members.
12. Lotteries prohibited.
13. Debts not to be incurred.
14. Private or local appropriations.
15. Of valuations of property and assessments.
16. Officers may be continued until successors qualified.
17. Bills to create corporations to be continued, except, etc.
18. Of election of Senators in Congress.

## ARTICLE V.

*House of Representatives.*

## Section

1. House, how constituted.—Ratio of representation.
2. May elect its officers, etc.

## ARTICLE VI.

*Senate.*

1. How constituted.
2. Governor to preside.—When to vote in grand committee.
3. May elect presiding officer in case of vacancy, etc.
4. Secretary and other officers.

## ARTICLE VII.

*Executive.*

1. Of the Governor and Lieutenant-Governor.—How elected.
2. Duty of Governor.
3. He shall command military and naval forces, except, etc.
4. He may grant reprieves, etc.
5. He may fill vacancies.
6. He may adjourn Assembly, in case, etc.
7. He may convene Assembly, when, etc.
8. Commissions, how signed, etc.
9. Lieutenant-Governor, when to act as Governor.
10. Vacancies, how filled.
11. Compensation of Governor, etc.
12. Duties of general officers.

## ARTICLE VIII.

*Election.*

1. Governor and general officers, when elected.
2. General officers and Members of Assembly.—How voted for.
3. Same subject.—How votes to be sealed up, transmitted and counted.
4. List of voters to be kept. (Obsolete).
5. Ballots for Members of Assembly, how counted.—Adjournment of elections, when.
6. Of voting in the city of Providence.

## Section

7. If Governor or Lieutenant-Governor not elected by people, grand committee to elect.—How.
8. In case general officers not elected by people, how vacancies shall be filled.
9. Vacancies in Assembly, how filled.
10. Majority required to elect.

## ARTICLE IX.

*Qualifications of Office.*

1. Qualified electors only eligible.
2. Conviction of bribery a disqualification.
3. Oath of general officers.
4. Officers, how engaged.
5. How oath to be administered to Governor, etc.
6. Holding office under United States, or other government, a disqualification for certain offices, except, etc.

## ARTICLE X.

*Judiciary.*

1. One Supreme Court.—Inferior courts, how established.
2. Jurisdiction of courts.—Chancery powers.
3. Judges of Supreme Court to instruct jury.—To give opinions, etc.
4. Of election and tenure of office of judges of Supreme Court.
5. Vacancies, how filled.
6. Compensation of judges.
7. Justices of the peace and wardens, how elected.—Their jurisdiction.

## ARTICLE XI.

*Impeachments.*

1. Impeachments, how ordered.
2. Impeachments, how tried.
3. What officers liable to impeachment.—Effect of conviction.

## ARTICLE XII.

*Education.*

1. Duty of General Assembly to promote schools, etc.

Section

2. The permanent school fund.
3. Donations for support of schools.
4. Power of General Assembly under this article.

ARTICLE XIII.

*Amendments.*

1. Amendments, how proposed, how voted upon, how adopted.

ARTICLE XIV.

*Adoption of Constitution.*

1. Constitution, when to go into effect.—Its effect on existing laws, charters, etc.
2. Former debts, etc., adopted.
3. Jurisdiction of Supreme Court.
4. Exemptions of New Shoreham and Jamestown from military duty, continued.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

List of voters for general officers no longer to be kept, etc.

ARTICLE II.

The pardoning power, how exercised.

ARTICLE III.

Sessions of the General Assembly.

ARTICLE IV.

Electors absent from the State in the military service of the United States allowed to vote.

ARTICLE V.

Manufacture and sale of intoxicating liquors as a beverage prohibited.

ARTICLE VI.

Suffrage granted to foreign-born soldiers and sailors.

ARTICLE VII.

Suffrage granted to foreign-born citizens.

ARTICLE VIII.

Article V, Prohibitory Amendment, repealed.

ARTICLE IX.

General Assembly to provide for the creation of corporations.  
In all popular elections the one having the largest number of votes shall be elected.

PREAMBLE.

We, the people of the State of Rhode Island and Providence Plantations, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and to transmit the same unimpaired to succeeding generations, do ordain and establish this Constitution of government.

ARTICLE I.

*Declaration of Certain Constitutional Rights and Privileges.*

In order effectually to secure the religious and political freedom established by our venerated ancestors, and to preserve the same for our posterity, we do declare that the essential and unquestionable rights and principles hereinafter mentioned shall

be established, maintained and preserved, and shall be of paramount obligation in all legislative, judicial and executive proceedings.

Section 1. In the words of the Father of his Country, we declare that "the basis of our political systems is the right of the people to make and alter their constitutions of government; but that the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

Sec. 2. All free governments are instituted for the protection, safety and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the State ought to be fairly distributed among its citizens.

Sec. 3. Whereas, Almighty God hath created the mind free; and all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness; and whereas a principal object of our venerable ancestors, in their migration to this country and their settlement of this State, was, as they expressed it, to hold forth a lively experiment, that a flourishing civil State may stand and be best maintained with full liberty, in religious concerns: We, therefore, declare that no man shall be compelled to frequent or to support any religious worship, place or ministry whatever, except in fulfillment of his own voluntary contract; nor enforced, restrained, molested or burdened in his body or goods; nor disqualified from holding any office; nor otherwise suffer on account of his religious belief; and that every man shall be free to worship God according to the dictates of his own conscience, and to profess and by argument to maintain his opinion in matters of religion; and that the same shall in no wise diminish, enlarge or affect his civil capacity.

Sec. 4. Slavery shall not be permitted in this State.

Sec. 5. Every person within this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely and without purchase, completely and without denial; promptly and without delay; conformably to the laws.

Sec. 6. The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on

complaint, in writing, upon probable cause, supported by oath or affirmation, and describing as nearly as may be, the place to be searched, and the persons or things to be seized.

Sec. 7. No person shall be held to answer for a capital or other infamous crime, unless on presentment or indictment by a grand jury, except in cases of impeachment, or of such offenses as are cognizable by a justice of the peace; or in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. No person shall, after an acquittal, be tried for the same offense.

Sec. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and all punishments ought to be proportioned to the offense.

Sec. 9. All persons imprisoned ought to be bailed by sufficient surety, unless for offenses punishable by death or by imprisonment for life, when the proof of guilt is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety shall require it; nor ever without the authority of the General Assembly.

Sec. 10. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining them in his favor, to have the assistance of counsel in his defense, and shall be at liberty to speak for himself; nor shall he be deprived of life, liberty or property, unless by the judgment of his peers, or the law of the land.

Sec. 11. The person of a debtor, when there is not strong presumption of fraud, ought not to be continued in prison, after he shall have delivered up his property for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. 12. No ex post facto law, or law impairing the obligation of contracts, shall be passed.

Sec. 13. No man in a court of common law shall be compelled to give evidence criminating himself.

Sec. 14. Every man being presumed innocent, until he is pronounced guilty by the law, no act of severity which is not necessary to secure an accused person shall be permitted.

Sec. 15. The right of trial by jury shall remain inviolate.

Sec. 16. Private property shall not be taken for public uses, without just compensation.

Sec. 17. The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of the State. But no new right is intended to be granted, nor any existing right impaired by this declaration.

Sec. 18. The military shall be held in strict subordination to the civil authority. And the law martial shall be used and exercised in such cases only as occasion shall necessarily require.

Sec. 19. No soldier shall be quartered in any house, in time of peace, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

Sec. 20. The liberty of the press being essential to the security of freedom in a State, any person may publish his sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall be sufficient defense to the person charged.

Sec. 21. The citizens have a right in a peaceable manner to assemble for their common good, and to apply to those invested with the powers of government, for redress of grievances, or for other purposes, by petition, address or remonstrance.

Sec. 22. The right of the people to keep and bear arms shall not be infringed.

Sec. 23. The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people.

## ARTICLE II.

### *Qualifications of Electors.*

Section 1. Every male citizen of the United States, of the age of twenty-one years, who has had his residence and home in this State for one year, and in the town or city in which he may claim a right to vote, six months next preceding the time of voting, and who is really and truly possessed in his own right of real estate in such town or city of the value of one hundred and thirty-four dollars over and above all incumbrances, or which shall rent for seven dollars per annum over and above any rent reserved or the interest of any incumbrances thereon, being an estate in fee simple, fee tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other

person to vote, the conveyance of which estate, if by deed, shall have been recorded at least ninety days, shall thereafter have a right to vote in the election of all civil officers and on all questions in all legal town or ward meetings so long as he continues so qualified. And if any person hereinbefore described shall own any such estate within this State out of the town or city in which he resides, he shall have a right to vote in the election of all general officers and members of the General Assembly in the town or city in which he shall have had his residence and home for the term of six months next preceding the election, upon producing a certificate from the clerk of the town or city in which his estate lies, bearing date within ten days of the time of his voting, setting forth that such person has a sufficient estate therein to qualify him as a voter; and that the deed, if any, has been recorded ninety days.

Sec. 2. Every male native citizen of the United States, of the age of twenty-one years, who has had his residence and home in this State two years, and in the town or city in which he may offer to vote, six months next preceding the time of voting, whose name is registered pursuant to the act calling the convention to frame this Constitution, or shall be registered in the office of the clerk of such town or city at least seven days before the time he shall offer to vote, and before the last day of December in the present year; and who has paid or shall pay a tax or taxes assessed upon his estate within this State, and within a year of the time of voting, to the amount of one dollar, or who shall voluntarily pay, at least seven days before the time he shall offer to vote, and before said last day of December, to the clerk or treasurer of the town or city where he resides, the sum of one dollar, or such sum as with his other taxes shall amount to one dollar, for the support of public schools therein, and shall make proof of the same, by the certificate of the clerk, treasurer or collector of any town or city where such payment is made; or who, being so registered, has been enrolled in any military company in this State, and done military service or duty therein, within the present year, pursuant to law, and shall (until other proof is required by law) prove by the certificate of the officer legally commanding the regiment, or chartered, or legally authorized volunteer company in which he may have served or done duty, that he has been equipped and done duty according to law, or by the certificate of the commissioners upon

military claims, that he has performed military service, shall have a right to vote in the election of all civil officers, and on all questions in all legally organized town or ward meetings, until the end of the first year after the adoption of this Constitution, or until the end of the year eighteen hundred and forty-three.

From and after that time, every such citizen who has had the residence herein required, and whose name shall be registered in the town where he resides, on or before the last day of December, in the year next preceding the time of his voting, and who shall show by legal proof that he has for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this State, to the amount of one dollar, or that he has been enrolled in a military company in this State, been equipped and done duty therein according to law, and at least for one day during such year, shall have a right to vote in the election of all civil officers, and on all questions, in all legally organized town or ward meetings: Provided, That no person shall at any time be allowed to vote in the election of the city council of the city of Providence, or upon any proposition to impose a tax, or for the expenditure of money in any town or city, unless he shall within the year next preceding have paid a tax assessed upon his property therein, valued at least at one hundred and thirty-four dollars.

Sec. 3. The assessors of each town or city shall annually assess upon every person whose name shall be registered a tax of one dollar, or such sum as with his other taxes shall amount to one dollar, which registry tax shall be paid into the treasury of such town or city, and be applied to the support of public schools therein; but no compulsory process shall issue for the collection of any registry tax: Provided, That the registry tax of every person who has performed military duty according to the provisions of the preceding section shall be remitted for the year he shall perform such duty; and the registry tax assessed upon any mariner, for any year while he is at sea, shall, upon his application, be remitted; and no person shall be allowed to vote whose registry tax for either of the two years next preceding the time of voting is not paid or remitted as herein provided.

Sec. 4. No person in the military, naval, marine or any other service of the United States shall be considered as having the



required residence by reason of being employed in any garrison, barrack or military or naval station in this State; and no pauper, lunatic, person non compos mentis, person under guardianship, or member of the Narragansett tribe of Indians, shall be permitted to be registered or to vote. Nor shall any person convicted of bribery, or of any crime deemed infamous at common law, be permitted to exercise that privilege, until he be expressly restored thereto by act of the General Assembly.

Sec. 5. Persons residing on lands ceded by this State to the United States shall not be entitled to exercise the privilege of electors.

Sec. 6. The General Assembly shall have full power to provide for a registry of voters, to prescribe the manner of conducting the elections, the form of certificates, the nature of the evidence to be required in case of a dispute as to the right of any person to vote, and generally to enact all laws necessary to carry this article into effect, and to prevent abuse, corruption and fraud in voting.

### ARTICLE III.

#### *Of the Distribution of Powers.*

The powers of the government shall be distributed into three departments, the legislative, executive and judicial.

### ARTICLE IV.

#### *Of the Legislative Power.*

Section 1. This Constitution shall be the supreme law of the State, and any law inconsistent therewith shall be void. The General Assembly shall pass all laws necessary to carry this Constitution into effect.

Sec. 2. The legislative power, under this Constitution, shall be vested in two houses, the one to be called the Senate, the other the House of Representatives; and both together the General Assembly. The concurrence of the two houses shall be necessary to the enactment of laws. The style of their laws shall be, "It is enacted by the General Assembly as follows:"

Sec. 3. There shall be two sessions of the General Assembly holden annually; one at Newport, on the first Tuesday of May, for the purpose of election and other business; the other on the last Monday of October, which last session shall be holden at South Kingstown once in two years, and the intermediate years

alternately at Bristol and East Greenwich; and an adjournment from the October session shall be holden annually at Providence.

Sec. 4. No member of the General Assembly shall take any fee, or be of counsel, in any case pending before either house of the General Assembly, under penalty of forfeiting his seat, upon proof thereof to the satisfaction of the house of which he is a member.

Sec. 5. The person of every member of the General Assembly shall be exempt from arrest, and his estate from attachment in any civil action, during the session of the General Assembly, and two days before the commencement and two days after the termination thereof, and all process served contrary hereto shall be void. For any speech in debate in either house, no member shall be questioned in any other place.

Sec. 6. Each house shall be the judge of the elections and qualifications of its members; and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as may be prescribed by such house or by law. Th organization of the two houses may be regulated by law, subject to the limitations contained in this Constitution.

Sec. 7. Each house may determine its rules of proceeding, punish contempts, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

Sec. 8. Each house shall keep a journal of its proceedings. The yeas and nays of the members of either house shall, at the desire of one-fifth of those present, be entered on the journal.

Sec. 9. Neither house shall, during a session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which they may be sitting.

Sec. 10. The General Assembly shall continue to exercise the powers they have heretofore exercised, unless prohibited in this Constitution.

Sec. 11. The Senators and Representatives shall receive the sum of one dollar for every day of attendance, and eight cents per mile for traveling expenses in going to and returning from the General Assembly. The General Assembly shall regulate the compensation of the Governor, and all other officers, subject to the limitations contained in this Constitution.

Sec. 12. All lotteries shall hereafter be prohibited in this State, except those already authorized by the General Assembly.

Sec. 13. The General Assembly shall have no power, hereafter, without the express consent of the people, to incur State debts to an amount exceeding fifty thousand dollars, except in time of war, or in case of insurrection or invasion; nor shall they in any case, without such consent, pledge the faith of the State for the payment of the obligations of others. This section shall not be construed to refer to any money that may be deposited with this State by the government of the United States.

Sec. 14. The assent of two-thirds of the members elected to each house of the General Assembly shall be required to every bill appropriating the public money or property for local or private purposes.

Sec. 15. The General Assembly shall, from time to time, provide for making new valuations of property, for the assessment of taxes, in such manner as they may deem best. A new estimate of such property shall be taken before the first direct State tax, after the adoption of this Constitution, shall be assessed.

Sec. 16. The General Assembly may provide by law for the continuance in office of any officers of annual election or appointment, until other persons are qualified to take their places.

Sec. 17. Hereafter, when any bill shall be presented to either house of the General Assembly, to create a corporation for any other than for religious, literary or charitable purposes, or for a military or fire company, it shall be continued until another election of members of the General Assembly shall have taken place, and such public notice of the pendency thereof shall be given as may be required by law.

Sec. 18. It shall be the duty of the two houses, upon the request of either, to join in grand committee for the purpose of electing Senators in Congress, at such times and in such manner as may be prescribed by law for said elections.

## ARTICLE V.

### *Of the House of Representatives.*

Section 1. The House of Representatives shall never exceed seventy-two members, and shall be constituted on the basis of population, always allowing one Representative for a fraction

exceeding one-half the ratio; but each town or city shall always be entitled to at least one member; and no town or city shall have more than one-sixth of the whole number of members to which the house is hereby limited. The present ratio shall be one Representative to every fifteen hundred and thirty inhabitants, and the General Assembly may, after any new census taken by the authority of the United States or of this State, reapportion the representation by altering the ratio; but no town or city shall be divided into districts for the choice of Representatives.

Sec. 2. The House of Representatives shall have authority to elect its speaker, clerks and other officers. The senior member from the town of Newport, if any be present, shall preside in the organization of the house.

#### ARTICLE VI.

##### *Of the Senate.*

Section 1. The Senate shall consist of the Lieutenant-Governor and of one Senator from each town or city in the State.

Sec. 2. The Governor, and in his absence the Lieutenant-Governor, shall preside in the Senate and in grand committee. The presiding officer of the Senate and grand committee shall have a right to vote in case of equal division, but not otherwise.

Sec. 3. If, by reason of death, resignation, absence, or other cause, there be no Governor or Lieutenant-Governor present, to preside in the Senate, the Senate shall elect one of their own members to preside during such absence or vacancy; and until such election is made by the Senate, the Secretary of State shall preside.

Sec. 4. The Secretary of State shall, by virtue of his office, be secretary of the Senate, unless otherwise provided by law, and the Senate may elect such other officers as they may deem necessary.

#### ARTICLE VII.

##### *Of the Executive Power.*

Section 1. The chief executive power of this State shall be vested in a Governor, who, together with a Lieutenant-Governor, shall be annually elected by the people.

Sec. 2. The Governor shall take care that the laws be faithfully executed.

Sec. 3. He shall be Captain-General and Commander-in-Chief of the military and naval forces of the State, except when they shall be called into the service of the United States.

Sec. 4. He shall have power to grant reprieves after conviction, in all cases except those of impeachment, until the end of the next session of the General Assembly.

Sec. 5. He shall fill vacancies in office not otherwise provided for by this Constitution or by law, until the same shall be filled by the General Assembly, or by the people.

Sec. 6. In case of disagreement between the two houses of the General Assembly, respecting the time or place of adjournment, certified to him by either, he may adjourn them to such time and place as he shall think proper: Provided, That the time of adjournment shall not be extended beyond the day of the next stated session.

Sec. 7. He may, on extraordinary occasions, convene the General Assembly at any town or city in this State, at any time not provided for by law; and in case of danger from the prevalence of epidemic or contagious disease, in the place in which the General Assembly are by law to meet, or to which they may have been adjourned, or for other urgent reasons, he may by proclamation convene said assembly at any other place within this State.

Sec. 8. All commissions shall be in the name and by authority of the State of Rhode Island and Providence Plantations; shall be sealed with the State seal, signed by the Governor, and attested by the Secretary.

Sec. 9. In case of vacancy in the office of Governor, or of his inability to serve, impeachment or absence from the State, the Lieutenant-Governor shall fill the office of Governor, and exercise the powers and authority appertaining thereto, until a Governor is qualified to act or until the office is filled at the next annual election.

Sec. 10. If the offices of Governor and Lieutenant-Governor be both vacant, by reason of death, resignation, impeachment, absence or otherwise, the person entitled to preside over the Senate for the time being shall in like manner fill the office of Governor during such absence or vacancy.

Sec. 11. The compensation of the Governor and Lieutenant-Governor shall be established by law, and shall not be diminished during the term for which they are elected.

Sec. 12. The duties and powers of the Secretary, Attorney-General and General Treasurer shall be the same under this Constitution as are now established, or as from time to time may be prescribed by law.

## ARTICLE VIII.

### *Of Elections.*

Section 1. The Governor, Lieutenant-Governor, Senators, Representatives, Secretary of State, Attorney-General and General Treasurer shall be elected at the town, city or ward meetings, to be holden on the first Wednesday of April, annually; and shall severally hold their offices for one year, from the first Tuesday of May next succeeding, and until others are legally chosen, and duly qualified to fill their places. If elected or qualified after the said first Tuesday of May, they shall hold their offices for the remainder of the political year, and until their successors are qualified to act.

Sec. 2. The voting for Governor, Lieutenant-Governor, Secretary of State, Attorney-General, General Treasurer and Representative to Congress shall be by ballot; Senators and Representatives to the General Assembly, and town or city officers, shall be chosen by ballot, on demand of any seven persons entitled to vote for the same; and in all cases where an election is made by ballot or paper vote, the manner of balloting shall be the same as is now required in voting for general officers, until otherwise prescribed by law.

Sec. 3. The names of the persons voted for as Governor, Lieutenant-Governor, Secretary of State, Attorney-General and General Treasurer shall be placed upon one ticket; and all votes for these officers shall, in open town or ward meetings, be sealed up by the moderators and town clerks and by the wardens and ward clerks, who shall certify the same and deliver or send them to the Secretary of State; whose duty it shall be securely to keep and deliver the same to the grand committee, after the organization of the two houses at the annual May session; and it shall be the duty of the two houses at said session, after their organization, upon the request of either house, to join in grand committee, for the purpose of counting and declaring said votes, and of electing other officers.

Sec. 4. The town and ward clerks shall also keep a correct list or register of all persons voting for general officers, and shall

transmit a copy thereof to the General Assembly on or before the first day of said May session.

Sec. 5. The ballots for Senators and Representatives in the several towns shall, in each case, after the polls are declared to be closed, be counted by the moderator, who shall announce the result, and the clerk shall give certificates to the persons elected. If in any case there be no election, the polls may be reopened, and the like proceedings shall be had until an election shall take place: Provided, however, That an adjournment or adjournments of the election may be made to a time not exceeding seven days from the first meeting.

Sec. 6. In the city of Providence, the polls for Senator and Representatives shall be kept open during the whole time of voting for the day, and the votes in the several wards shall be sealed up at the close of the meeting by the wardens and ward clerks in open ward meeting, and afterwards delivered to the city clerk. The mayor and aldermen shall proceed to count said votes within two days from the day of election; and if no election of Senator and Representatives, or if an election of only a portion of the Representatives shall have taken place, the mayor and aldermen shall order a new election, to be held not more than ten days from the day of the first election, and so on until the election shall be completed. Certificates of election shall be furnished by the city clerk to the persons chosen.

Sec. 7. If no person shall have a majority of votes for Governor, it shall be the duty of the grand committee to elect one by ballot from the two persons having the highest number of votes for the office, except when such a result is produced by rejecting the entire vote of any town, city or ward for informality or illegality, in which case a new election by the electors throughout the State shall be ordered; and in case no person shall have a majority of votes for Lieutenant-Governor, it shall be the duty of the grand committee to elect one by ballot from the two persons having the highest number of votes for the office.

Sec. 8. In case an election of the Secretary of State, Attorney-General, or General Treasurer, should fail to be made by the electors at the annual election, the vacancy or vacancies shall be filled by the General Assembly in grand committee, from the two candidates for such office having the greatest number of votes of the electors. Or, in case of a vacancy in either of said offices from other causes, between the sessions of the General

Assembly, the Governor shall appoint some person to fill the same until a successor elected by the General Assembly is qualified to act; and in such case, and also in all other cases of vacancies not otherwise provided for, the General Assembly may fill the same in any manner they may deem proper.

Sec. 9. Vacancies from any cause in the Senate or House of Representatives may be filled by a new election.

Sec. 10. In all elections held by the people under this Constitution, a majority of all the electors voting shall be necessary to the election of the persons voted for.

#### ARTICLE IX.

##### *Of Qualifications for Office.*

Section 1. No person shall be eligible to any civil office (except the office of school committee), unless he be a qualified elector for such office.

Sec. 2. Every person shall be disqualified from holding any office to which he may have been elected, if he be convicted of having offered or procured any other person to offer, any bribe to secure his election, or the election of any other person.

Sec. 3. All general officers shall take the following engagement before they act in their respective offices, to wit: You being by the free vote of the electors of this State of Rhode Island and Providence Plantations, elected unto the place of \_\_\_\_\_ do solemnly swear (or affirm) to be true and faithful unto this State, and to support the Constitution of this State and of the United States; that you will faithfully and impartially discharge all the duties of your aforesaid office to the best of my abilities, according to law: So help you God. Or, this affirmation you make and give upon the peril of the penalty of perjury.

Sec. 4. The members of the General Assembly, the judges of all the courts, and all other officers, both civil and military, shall be bound by oath or affirmation to support this Constitution, and the Constitution of the United States.

Sec. 5. The oath or affirmation shall be administered to the Governor, Lieutenant-Governor, Senators and Representatives, by the Secretary of State, or, in his absence, by the Attorney-General. The Secretary of State, Attorney-General and General Treasurer shall be engaged by the Governor, or by a justice of the Supreme Court.



Sec. 6. No person holding any office under the government of the United States, or of any other State or country, shall act as a general officer, or as a member of the General Assembly, unless at the time of taking his engagement he shall have resigned his office under such government; and if any general officer, Senator, Representative or judge shall, after his election and engagement, accept any appointment under any other government, his office under this shall be immediately vacated; but this restriction shall not apply to any person appointed to take depositions or acknowledgment of deeds, or other legal instruments, by the authority of any other State or county.

#### ARTICLE X.

##### *Of the Judicial Power.*

Section 1. The judicial power of this State shall be vested in one Supreme Court, and in such inferior courts as the General Assembly may, from time to time, ordain and establish.

Sec. 2. The several courts shall have such jurisdiction as may from time to time be prescribed by law. Chancery powers may be conferred on the Supreme Court, but on no other court to any greater extent than is now provided by law.

Sec. 3. The judges of the Supreme Court shall, in all trials, instruct the jury in the law. They shall also give their written opinion upon any question of law whenever requested by the Governor, or by either house of the General Assembly.

Sec. 4. The judges of the Supreme Court shall be elected by the two houses in grand committee. Each judge shall hold his office until his place be declared vacant by a resolution of the General Assembly to that effect; which resolution shall be voted for by a majority of all the members elected to the house in which it may originate, and be concurred in by the same majority of the other house. Such resolution shall not be entertained at any other than the annual session for the election of public officers; and in default of the passage thereof at said session, the judge shall hold his place as is herein provided. But a judge of any court shall be removed from office if, upon impeachment, he shall be found guilty of any official misdemeanor.

Sec. 5. In case of vacancy by death, resignation, removal from the State or from office, refusal or inability to serve, of any judge of the Supreme Court, the office may be filled by the

grand committee, until the next annual election, and the judge then elected shall hold his office as before provided. In cases of impeachment or temporary absence, or inability, the Governor may appoint a person to discharge the duties of the office during the vacancy caused thereby.

Sec. 6. The judges of the Supreme Court shall receive a compensation for their services, which shall not be diminished during their continuance in office.

Sec. 7. The towns of New Shoreham and Jamestown may continue to elect their wardens as heretofore. The other towns and the city of Providence may elect such number of justices of the peace, resident therein, as they may deem proper. The jurisdiction of said justices and wardens shall be regulated by law. The justices shall be commissioned by the Governor.

#### ARTICLE XI.

##### *Of Impeachments.*

Section 1. The House of Representatives shall have the sole power of impeachment. A vote of two-thirds of all the members elected shall be required for an impeachment of the Governor. Any officer impeached shall thereby be suspended from office until judgment in the case shall have been pronounced.

Sec. 2. All impeachments shall be tried by the Senate; and when sitting for that purpose, they shall be under oath or affirmation. No person shall be convicted except by vote of two-thirds of the members elected. When the Governor is impeached, the chief or presiding justice of the Supreme Court, for the time being, shall preside, with a casting vote in all preliminary questions.

Sec. 3. The Governor and all other executive and judicial officers shall be liable to impeachment; but judgment in such cases shall not extend further than to removal from office. The person convicted shall, nevertheless, be liable to indictment, trial, and punishment, according to law.

#### ARTICLE XII.

##### *Of Education.*

Section 1. The diffusion of knowledge, as well as of virtue, among the people, being essential to the preservation of their rights and liberties, it shall be the duty of the General Assembly

to promote public schools, and to adopt all means which they may deem necessary and proper to secure to the people the advantages and opportunities of education.

Sec. 2. The money which now is or which may hereafter be appropriated by law for the establishment of a permanent fund for the support of public schools, shall be securely invested, and remain a perpetual fund for that purpose.

Sec. 3. All donations for the support of public schools, or for other purposes of education, which may be received by the General Assembly, shall be applied according to the terms prescribed by the donors.

Sec. 4. The General Assembly shall make all necessary provisions by law for carrying this article into effect. They shall not divert said money or fund from the aforesaid uses, nor borrow, appropriate, or use the same, or any part thereof, for any other purpose, under any pretense whatsoever.

### ARTICLE XIII.

#### *Of Amendments.*

The General Assembly may propose amendments to this Constitution by the votes of a majority of all the members elected to each house. Such propositions for amendment shall be published in the newspapers, and printed copies of them shall be sent by the Secretary of State, with the names of all the members who shall have voted thereon, with the yeas and nays, to all the town and city clerks in the State. The said propositions shall be, by said clerks, inserted in the warrants or notices by them issued, for warning the next annual town and ward meetings in April; and the clerks shall read said propositions to the electors when thus assembled, with the names of all the Representatives and Senators who shall have voted thereon, with the yeas and nays, before the election of Senators and Representatives shall be had. If a majority of all the members elected to each house, at said annual meeting, shall approve any proposition thus made, the same shall be published and submitted to the electors in the mode provided in the act of approval; and if then approved by three-fifths of the electors of the State present and voting thereon in town and ward meetings, it shall become a part of the Constitution of the State.

## ARTICLE XIV.

*Of the Adoption of the Constitution.*

Section 1. This Constitution, if adopted, shall go into operation on the first Tuesday of May, in the year one thousand eight hundred and forty-three. The first election of Governor, Lieutenant-Governor, Secretary of State, Attorney-General and General Treasurer, and of Senators and Representatives under said Constitution, shall be had on the first Wednesday of April next preceding, by the electors qualified under said Constitution. And the town and ward meetings therefor shall be warned and conducted as is now provided by law. All civil and military officers now elected, or who shall hereafter be elected, by the General Assembly, or other competent authority, before the said first Wednesday of April, shall hold their offices and may exercise their powers until the said first Tuesday of May, or until their successors shall be qualified to act. All statutes, public and private, not repugnant to this Constitution, shall continue in force until they expire by their own limitation, or are repealed by the General Assembly. All charters, contracts, judgments, actions and rights of action shall be valid as if this Constitution had not been made. The present government shall exercise all the powers with which it is now clothed, until the said first Tuesday of May, one thousand eight hundred and forty-three, and until the government under this Constitution is duly organized.

Sec. 2. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be valid against the State as if this Constitution had not been adopted.

Sec. 3. The Supreme Court, established by this Constitution, shall have the same jurisdiction as the Supreme Judicial Court at present established, and shall have jurisdiction of all causes which may be appealed to, or pending in the same; and shall be held at the same times and places, and in each county, as the present Supreme Judicial Court, until otherwise prescribed by the General Assembly.

Sec. 4. The towns of New Shoreham and Jamestown shall continue to enjoy the exemption from military duty which they now enjoy, until otherwise prescribed by law.

Done in convention, at East Greenwich, this fifth day of November, A. D. one thousand eight hundred and forty-two.

JAMES FENNER,  
President.

HENRY Y. CRANSTON,  
Vice-President.

THOMAS A. JENCKES,  
WALTER W. UPDIKE,  
Secretaries.

## AMENDMENTS.

### ARTICLE I.

It shall not be necessary for the town or ward clerks to keep and transmit to the General Assembly a list or register of all persons voting for general officers; but the General Assembly shall have power to pass such laws on the subject as they may deem expedient.

### ARTICLE II.

The Governor, by and with the advice and consent of the Senate, shall hereafter exclusively exercise the pardoning power, except in cases of impeachment, to the same extent as such power is now exercised by the General Assembly.

### ARTICLE III.

There shall be one session of the General Assembly, holden annually, commencing on the last Tuesday in May, at Newport, and an adjournment from the same shall be holden annually at Providence.

Adopted November, 1854.

### ARTICLE IV.

Electors of this State who, in time of war, are absent from the State, in the actual military service of the United States, being otherwise qualified, shall have a right to vote in all elections in the State for electors of President and Vice-President of the United States, Representatives in Congress, and general officers of the State. The General Assembly shall have full power to provide by law for carrying this article into effect; and until such provision shall be made by law, every such absent elector on the day of such elections, may deliver a written or printed ballot, with the names of the persons voted for thereon, and his christian

and surname, and his voting residence in the State, written at length on the back thereof, to the officer commanding the regiment or company to which he belongs; and all such ballots, certified by such commanding officer to have been given by the elector whose name is written thereon, and returned by such commanding officer to the Secretary of State within the time prescribed by law for counting the votes in such elections, shall be received and counted with the same effect as if given by such elector in open town, ward, or district meeting; and the clerk of each town or city, until otherwise provided by law, shall, within five days after any such election, transmit to the Secretary of State a certified list of the names of all such electors on their respective voting lists.

Adopted August, 1864.

#### ARTICLE V.

The manufacture and sale of intoxicating liquors to be used as a beverage shall be prohibited. The General Assembly shall provide by law for carrying this article into effect.

#### ARTICLE VI.

All soldiers and sailors of foreign birth, citizens of the United States, who served in the army or navy of the United States from this State in the late civil war, and who were honorably discharged from such service, shall have the right to vote on all questions in all legally organized town, district or ward meetings, upon the same conditions and under and subject to the same restrictions as native born citizens.

Adopted April 7, 1886.

#### ARTICLE VII.

Section 1. Every male citizen of the United States of the age of twenty-one years, who has had his residence and home in this State for two years, and in the town or city in which he may offer to vote six months next preceding the time of his voting, and whose name shall be registered in the town or city where he resides on or before the last day of December, in the year next preceding the time of his voting, shall have a right to vote in the election of all civil officers and on all questions in all legally organized town or ward meetings: Provided, That no person shall at any time be allowed to vote in the election of the city

council of any city, or upon any proposition to impose a tax, or for the expenditure of money in any town or city, unless he shall within the year next preceding have paid a tax assessed upon his property therein, valued at least at one hundred and thirty-four dollars.

Sec. 2. The assessors of each town and city shall annually assess upon every person, who, if registered, would be qualified to vote, a tax of one dollar, or such sum as with his other taxes shall amount to one dollar, which tax shall be paid into the treasury of such town or city and be applied to the support of public schools therein: Provided, That such tax assessed upon any person who has performed military duty, shall be remitted for the year he shall perform such duty; and said tax assessed upon any mariner for any year while he is at sea, or upon any person who by reason of extreme poverty is unable to pay said tax, shall upon application of such mariner or person, be remitted. The General Assembly shall have power to provide by law for the collection and remission of said tax.

Sec. 3. This amendment shall take in the Constitution of the State, the place of sections 2 and 3 of article II, "Of the Qualification of Electors," which said sections are hereby annulled.

Adopted April 4, 1888.

#### ARTICLE VIII.

Article V of the amendments to the Constitution of this State is hereby annulled.

Adopted June 20, 1889.

#### ARTICLE IX.

Section 1. Hereafter the General Assembly may provide by general law for the creation and control of corporations: Provided, however, That no corporation shall be created with the power to exercise the right of eminent domain, or to acquire franchises in the streets and highways of towns and cities, except by special act of the General Assembly upon a petition for the same, the pendency whereof shall be notified as may be required by law.

Sec. 2. This amendment shall take in the Constitution of the State the place of section 17 of article IV, "Of the Legislative Power," and shall be deemed to be in amendment of said section and article.

Adopted November 8, 1892.

**ARTICLE X.**

Section 1. In all elections held by the people for State, city, town, ward or district officers, the person or candidate receiving the largest number of votes cast shall be declared elected.

Sec. 2. This amendment shall take in the Constitution of the State the place of section 10 of article VIII, "Of Elections," which said section is hereby annulled.

Adopted November 28, 1893.



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CONSTITUTION  
OF THE  
STATE OF SOUTH CAROLINA.

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# CONSTITUTION OF STATE OF SOUTH CAROLINA.

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## ARTICLES.

### Article

1. Declaration of rights.
2. Legislative department.
3. Executive department.
4. Judicial department.
5. Jurisprudence.
6. Eminent domain.
7. Impeachments.
8. Right of suffrage.
9. Finance and taxation.
10. Education.
11. Charitable and penal institutions.
12. Corporations.
13. Militia.
14. Miscellaneous.
15. Amendment and revision of the Constitution.
16. Amendments.

## ARTICLE I.

### *Declaration of Rights.*

#### Section

1. All men are equal and have the right of defending their lives and liberties and of acquiring property.
2. Slavery and involuntary servitude, except as a punishment for crime, prohibited.
3. All political power is vested in the people.
4. Paramount allegiance to the Constitution and government of the United States.
5. This State shall ever remain a member of the American Union.
6. The people have the right to assemble peaceably to consult for the common good.
7. Freedom of speech and of the press.
8. In prosecutions for libel the truth may be given in evidence.

#### Section

9. Freedom of religious worship.
10. There shall be no established religion.—Laws shall be passed to protect religious denominations.
11. The right of trial by jury shall remain inviolate.
12. Personal rights.
13. Rights of accused persons.—Not compelled to testify against himself.
14. Ex post facto laws prohibited.
15. All courts shall be public and justice shall be administered without delay.
16. Right of bail.—Excessive shall not be required nor cruel punishments inflicted.
17. The privilege of the writ of habeas corpus.
18. No one shall be twice put in jeopardy for the same offense.
19. All offenses less than felony.—How tried.—No person shall be held to answer for any higher crime unless on presentment of a grand jury.
20. No imprisonment for debt.
21. Obligations of contracts.—No conviction shall work corruption of blood, etc.
22. Unreasonable searches and seizures prohibited.
23. Private property shall not be taken for public use without just compensation.
24. The laws shall not be suspended except by the General Assembly.
25. Only those in the army or navy shall be subject to martial law.
26. The legislative, executive and judicial powers of the government shall be separate and distinct.

Section

27. Redress of grievances.
28. The people have the right to bear arms for the common defense.—The military subordinate to the civil authority.
29. In time of peace soldiers may not be quartered in any house without the consent of the owner.
30. No person with scruples against bearing arms shall be compelled to do so.
31. All elections shall be free and open.
32. No property qualifications necessary for an election or to hold office.—Any person who shall fight a duel shall be debarred from holding office.
33. Right of suffrage.
34. Apportionment of representation.—No person shall be disfranchised except by law.
35. Temporary absence from the State shall not forfeit residence.
36. Taxation of property.—Right of life, liberty and property.
37. Imposit taxes and duties shall not be established without the consent of the people.
38. Excessive fines and cruel punishment prohibited, nor shall witnesses be unnecessarily detained.
39. Titles of nobility and distinctions of race and color prohibited.
40. All navigable waters shall remain forever public highways.
41. The enumeration of rights in this Constitution shall not impair others retained by the people.

ARTICLE II.

*Legislative Department.*

1. The legislative power of the State shall be vested in the Senate and House of Representatives.
2. Representatives.—How chosen.

Section

3. Judicial districts.
4. House of Representatives shall consist of 124 members.
6. Assignment of Representatives.
7. When to take effect.
8. The Senate.—Number of.—Term of office.
9. They shall be divided into two classes.
10. To be eligible as a Senator or Representative.
11. The first election for Senators and Representatives.
12. Time of meeting of the General Assembly.
13. When term of office begins.
14. Each house shall judge of the election and qualifications of its own members.—A majority shall constitute a quorum.
15. Each house shall determine its own rules and punish its members.
16. Each house may punish persons not members, etc.
17. Members to have certain privileges.
18. Bills for raising revenue shall originate in the House of Representatives.
19. The style of the laws.
20. But one subject, which shall be expressed in the title.
21. Bills to be read three times.—Must be signed by the President of the Senate and Speaker of the House.
22. No money to be drawn from the treasury but by appropriation.
23. Pay of members.
24. In all elections by the General Assembly the vote shall be viva voce.
25. Neither house may adjourn for more than three days.
26. Each house shall keep a journal.
27. The doors of each house shall be open.

Section

28. No person shall be eligible to the General Assembly who holds any other office of profit, etc.
29. Failure to elect.—Refusal to qualify.—Writs of election.
30. Oath of office.
31. Cause of removal from office.
32. The homestead of the head of the family exempt from attachment.
33. Taxes on property, real and personal.

ARTICLE III.

*Executive Department.*

1. The supreme executive authority is vested in the Governor.
2. The manner of electing the Governor.—Term of office two years.—May be re-elected.
3. To be eligible to the office of Governor.
4. The returns of election of Governor.—The person having highest number of votes elected.—In case of tie.—Contested elections.
5. Election of Lieutenant-Governor.—President of the Senate.
6. He shall only vote in case of tie.
7. The Senate shall choose a President pro tem.
8. Vacation of seats.
9. When the duties of Governor shall devolve on Lieutenant-Governor.
10. The Governor shall be Commander-in-Chief of the militia.
11. Pardoning power vested in the Governor.
12. He shall see that the laws are executed.
13. Compensation of Governor and Lieutenant-Governor.—It shall not be increased nor diminished.
14. Executive officers to report to the Governor.
15. The Governor's message.
16. He may on extraordinary occa-

Section

- sions convene the General Assembly.
17. He shall commission officers.
18. Seal of State.
19. Grants and commissions.—How issued.
20. Oath of office.
21. Residence of Governor.
22. Bills which have passed the General Assembly to be signed by the Governor.—He may sign or veto.—May be passed over his veto.
23. Comptroller-General, Treasurer, Secretary of State.—Term of office, duties and compensation prescribed by law.

ARTICLE IV.

*Judicial Department.*

1. The judicial power of the State is vested in the Supreme and certain other courts.
2. The Supreme Court.—Number of judges.—Quorum.—How elected.—Term of office six years.—To be classified.
3. The Chief Justice and associates.—Their terms.
4. The Supreme Court shall have appellate jurisdiction.
5. Sessions of the same.
6. No judge shall, if interested, etc.
7. The judge of said court shall appoint a reporter and clerk.
8. When a judgment or decree is reversed.
9. Compensation of judges of Supreme and Circuit Courts.—Not to have fees nor hold any other office.
10. To be eligible as judge of Supreme and Circuit Courts.
11. Vacancies.—How filled.
12. Decisions.—Concurrence of two judges necessary.
13. The State to be divided into Circuits.
14. Interchanging.
15. Court of Common Pleas.—Its terms and jurisdiction.

Section

17. Preservation of records.
18. Jurisdiction of Court of General Session.
19. Repealed.
20. Probate Court.—Its jurisdiction.
21. Justices of the peace.—Term of office two years.
22. Jurisdiction of the same.
23. Powers of the same.
24. Right of appeal.
25. Judges of Probate.—County commissioners.—Justices of the peace and constables, their compensation.
26. How judges shall charge juries.
27. Clerks of courts.
28. Attorney-General.—His election.—Duties.—Term of office and compensation.
29. Solicitors.—Their election.—Term of office and compensation.
30. Sheriffs and coroners, term of office four years.
31. Writs and processes.
32. Decisions of the Supreme Court.
33. The fourteenth article of amendment of the United States Constitution shall be ratified.
34. Slave contracts void.

ARTICLE V.

*Jurisprudences.*

1. Differences may be decided by arbitrators.
2. The General Assembly shall pass all laws necessary for the change of venue.
3. Codification of the laws.

ARTICLE VI.

*Eminent Domain.*

1. The State shall have concurrent jurisdiction on all rivers bordering on the State.
2. Land titles.
3. Ultimate right of property.

ARTICLE VII.

*Impeachment.*

1. The sole power of impeachment is vested in the House of Representatives.

Section

2. Impeachments shall be tried by the Senate.
3. All executive officers liable.—Judgment not to extend beyond removal from office.
4. Causes of impeachment.

ARTICLE VIII.

*Right of Suffrage.*

1. Popular elections shall be by ballot.
2. Qualifications of electors.
3. Registration of electors.
4. Residence not lost by reason of absence in the service of the United States.
5. Soldiers and seamen not deemed residents by reason of being stationed in this State.
6. Electors exempted from arrest.
7. Electors eligible for any office.
8. Those deprived of the right of suffrage.
9. Presidential electors.
10. The person receiving the highest number of votes elected.
11. The term of residence necessary to hold office not applicable to, etc.
12. Former slaves not disfranchised.

ARTICLE IX.

*Finance and Taxation.*

1. Assessment and taxation.
2. Poll tax.
3. An annual tax sufficient to defray the expenses of the State shall be provided for.
4. The object of a tax to be stated.
5. Public, charitable and certain other institutions to be exempted from taxation.
6. Valuation and assessment of lands.
7. The State may contract public debts for extraordinary expenditures.
8. Municipal taxation.
9. Incorporation of cities and towns.
10. Evidences of State indebtedness.
11. A statement of receipts and expenditures to be published.

Section

12. No money drawn from treasury but by appropriation.
13. The fiscal year shall commence on November first of each year.
14. State bonds.
15. State, county and school funds.
16. Secession debts shall never be paid.
17. Any bonded debt contracted by any subdivision of the State shall never exceed eight per centum, etc.

ARTICLE X.

*Education.*

1. Superintendent of Education.—His election.—Powers, duties, etc., to be defined by General Assembly.
2. School commissioners.—Board of education.
3. Free schools to be kept at least six months in each year.
4. Compulsory attendance.
5. Property to be taxed for the support of schools.
6. A Normal school to be established.
7. Institutions for the blind, deaf and dumb.
8. A reform school to be established.
9. State University and Agricultural College.
10. Public schools open to all without regard to race or color.
11. The school fund.

ARTICLE XI.

*Charitable and Penal Institutions.*

1. Institutions for the deaf, dumb, blind, etc.
2. Directors of the penitentiary.
3. Directors of benevolent and other State institutions.
4. The Governor to fill vacancies.
5. Poor laws.
6. Lunatic asylum.

ARTICLE XII.

*Corporations.*

1. They may be formed under general laws.

Section

2. Corporations shall be taxed.
3. No right of way shall be appropriated without full compensation.
4. Dues from corporations.
5. The personal liberty of stockholders to be fixed.
6. Charters for banking purposes.

ARTICLE XIII.

*Militia.*

1. To consist of whom.
2. The Governor has the power to call them out.
3. There shall be an Adjutant and Inspector-General.

ARTICLE XIV.

*Miscellaneous.*

1. Qualifications for office.
2. Lotteries and the sale of tickets prohibited.
3. The State library.
4. Claims against the State.
5. Divorces.
6. Disqualification for office.
7. Printing for the General Assembly.
8. Woman's property.
9. Removal of causes.
10. Time of election of State officers.

ARTICLE XV.

*Amendment and Revision of the Constitution.*

1. Amendments may be proposed in either house.
2. If two or more amendments shall be submitted at the same time.
3. Constitutional conventions.

AMENDMENTS.

Article XVII.

Prohibiting creation of debt without consent of the people.  
Amendment to Article III, Section 11.  
Changing election from October to November.

Amendment to Article III, Section 23.

Changing term of office of certain State officers.

Amendment to Article II, Section 2.  
"Toxaway" substituted for  
"White Water."

Amendment to Article X, Section 5.  
Tax of two mills for public  
schools.

Amendment to Article II, Section 32.  
As to homestead, amended.

Amendment to Article II, Section 11.  
Biennial elections to be fixed by  
Legislature.

Amendment to Article VIII, Section 8.

Burglary, larceny, perjury, forgery or any other infamous crime added to disqualifications.

### PREAMBLE.

We, the people of the State of South Carolina, in convention assembled, grateful to Almighty God for this opportunity deliberately and peaceably of entering into an explicit and solemn compact with each other, and forming a new Constitution of civil government for ourselves and posterity, recognizing the necessity of the protection of the people in all that pertains to their freedom, safety and tranquillity, and imploring the direction of the Great Legislator of the Universe, do agree upon, ordain and establish the following:

### ARTICLE I.

#### *Declaration of Rights.*

Section 1. All men are born free and equal—endowed by their Creator with certain inalienable rights, among which are the rights of enjoying and defending their lives and liberties, of acquiring, possessing and protecting property, and of seeking and obtaining their safety and happiness.

Sec. 2. Slavery shall never exist in this State; neither shall involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

Sec. 3. All political power is vested in and derived from the people only; therefore they have the right, at all times, to modify their form of government in such manner as they may deem expedient, when the public good demands.

Sec. 4. Every citizen of this State owes paramount allegiance to the Constitution and government of the United States, and no law or ordinance of this State in contravention or subversion thereof can have any binding force.

Sec. 5. This State shall ever remain a member of the American Union, and all attempts, from whatsoever source, or upon



whatever pretext, to dissolve the said union shall be resisted with the whole power of the State.

Sec. 6. The right of the people peaceably to assemble to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

Sec. 7. All persons may freely speak, write and publish their sentiments on any subject, being responsible for the abuse of that right; and no laws shall be enacted to restrain or abridge the liberty of speech or of the press.

Sec. 8. In prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libel, the jury shall be the judges of the law and the facts.

No person shall be deprived of the right to worship God according to the dictates of his own conscience: Provided, That the liberty of conscience hereby declared shall not justify practices inconsistent with the peace and moral safety of society.

Sec. 10. No form of religion shall be established by law; but it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of worship.

Sec. 11. The right of trial by jury shall remain inviolate.

Sec. 12. No person shall be disqualified as a witness, or be prevented from acquiring, holding and transmitting property, or be hindered in acquiring education, or be liable to any other punishment for any offense, or be subjected in law to any other restraints or disqualifications, in regard to any personal rights, than such as are laid upon others under like circumstances.

Sec. 13. No person shall be held to answer for any crime or offense until the same is fully, fairly, plainly, substantially and formally described to him; or be compelled to accuse or furnish evidence against himself; and every person shall have a right to produce all proofs that may be favorable to him, to meet the witnesses against him face to face, to have a speedy and public trial by an impartial jury, and to be fully heard in his defense by himself or by his counsel, or by both, as he may elect.

Sec. 14. No person shall be arrested, imprisoned, despoiled or dispossessed of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of

his life, liberty or estate, but by the judgment of his peers or the law of the land. And the General Assembly shall not enact any law that shall subject any person to punishment without trial by jury; nor shall he be punished but by virtue of a law already established, or promulgated prior to the offense, and legally applied.

Sec. 15. All courts shall be public, and every person, for any injury that he may receive in his lands, goods, person or reputation, shall have remedy by due course of law, and justice administered without unnecessary delay.

Sec. 16. All persons shall, before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great; and excessive bail shall not, in any case, be required, nor corporal punishment inflicted.

Sec. 17. The privilege of the writ of habeas corpus shall not be suspended, except when, in case of insurrection, rebellion or invasion, the public safety may require it.

Sec. 18. No person, after having been once acquitted by a jury, shall again, for the same offense, be put in jeopardy of his life or liberty.

Sec. 19. All offenses less than felony, and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a justice of the peace, or other officer authorized by law, on information under oath, without indictment or intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher crime or offense unless on presentment of a grand jury, except in cases arising in the land and naval service, or in the militia when in actual service in time of war or public danger.

Sec. 20. No person shall be imprisoned for debt, except in cases of fraud; and a reasonable amount of property, as a homestead, shall be exempted from seizure or sale for the payment of any debts or liabilities, except for the payment of such obligations as are provided for in this Constitution.

Sec. 21. No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be enacted; and no conviction shall work corruption of blood or forfeiture of estate.

Sec. 22. All persons have a right to be secure from unreasonable searches or seizures of their persons, houses, papers or pos-

sessions. All warrants shall be supported by oath or affirmation, and the order of the warrant to a civil officer to make search or seizure in suspected places, or to arrest one or more suspected persons, or to seize their property, shall be accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant shall be issued but in the cases and with the formalities prescribed by the laws.

Sec. 23. Private property shall not be taken or applied for public use, or for the use of corporations, or for private use, without the consent of the owner or a just compensation being made therefor: Provided, however, That laws may be made securing to persons or corporations the right of way over the lands of either persons or corporations, and, for works of internal improvement, the right to establish depots, stations, turnouts, etc.; but a just compensation shall, in all cases, be first made to the owner.

Sec. 24. The power of suspending the laws, or the execution of the laws, shall never be exercised but by the General Assembly, or by authority derived therefrom, to be exercised in such particular cases only as the General Assembly shall expressly provide for.

Sec. 25. No person shall, in any case, be subject to martial law, or to any pains or penalties by virtue of that law, except those employed in the army or navy of the United States, and except the militia in actual service, but by authority of the General Assembly.

Sec. 26. In the government of this Commonwealth, the Legislative, executive and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other.

Sec. 27. The General Assembly ought frequently to assemble for the redress of grievances, and for making new laws, as the common good may require.

Sec. 28. The people have a right to keep and bear arms for the common defense. As in times of peace armies are dangerous to liberty, they ought not to be maintained without the consent of the General Assembly. The military power ought always to be held in an exact subordination to the civil authority and be governed by it.

Sec. 29. In time of peace no soldier shall be quartered in any house without the consent of the owner; and in time of war such quarters shall not be made but in a manner prescribed by law.

Sec. 30. No person who conscientiously scruples to bear arms shall be compelled so to do, but he shall pay an equivalent for personal service.

Sec. 31. All elections shall be free and open, and every inhabitant of this commonwealth possessing the qualifications provided for in this Constitution shall have an equal right to elect officers and be elected to fill public office.

Sec. 32. No property qualifications shall be necessary for an election to or the holding of any office, and no office shall be created the appointment to which shall be for a longer time than good behavior. After the adoption of this Constitution, any person who shall fight a duel, or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of holding any office of honor or trust in this State, and shall be otherwise punished as the law shall prescribe.

Sec. 33. The right of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or improper conduct.

Sec. 34. Representation shall be apportioned according to population, and no person in this State shall be disfranchised or deprived of any of the rights or privileges now enjoyed, except by the law of the land or the judgment of his peers.

Sec. 35. Temporary absence from the State shall not forfeit a residence once obtained.

Sec. 36. All property subject to taxation shall be taxed in proportion to its value. Each individual of society has a right to be protected in the enjoyment of life, liberty and property, according to standing laws. He should, therefore, contribute his share to the expense of his protection, and give his personal service when necessary.

Sec. 37. No subsidy, charge, impost, tax or duties shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives lawfully assembled.

Sec. 38. Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted, nor shall witnesses be unreasonably detained.

Sec. 39. No title of nobility or hereditary emolument shall ever be granted in this State. Distinction on account of race or color, in any case whatever, shall be prohibited, and all classes of citizens shall enjoy equally all common, public, legal and political privileges.

Sec. 40. All navigable waters shall remain forever public highways, free to the citizens of the State and the United States, without tax, impost or toll imposed; and no tax, toll, impost or wharfage shall be imposed, demanded or received from the owner of any merchandise or commodity, for the use of the shores, or any wharf erected on the shores, or in or over the waters of any navigable stream, unless the same be authorized by the General Assembly.

Sec. 41. The enumeration of rights in this Constitution shall not be construed to impair or deny others retained by the people, and all powers not herein delegated remain with the people.

## ARTICLE II.

### *Legislative Department.*

Section 1. The legislative power of this State shall be vested in two distinct branches, the one to be styled the "Senate," and the other the "House of Representatives," and both together the "General Assembly of the State of South Carolina."

Sec. 2. The House of Representatives shall be composed of members chosen by ballot every second year, by the citizens of this State, qualified as in this Constitution is provided.

Sec. 3. The judicial districts shall hereafter be designated as counties, and the boundaries of the several counties shall remain as they are now established, except the county of Pickens, which is hereby divided into two counties, by a line leaving the southern boundary of the State of North Carolina where the White Water river enters this State, and thence down the center of said river, by whatever names known, to Ravenel's Bridge, on Seneca river, and thence along the center of the road leading to Pendleton village, until it intersects the line of the county of Anderson; and the territory lying east of said line shall be known as the county of Pickens; and the territory lying west of said line shall be known as the county of Oconee: Provided, That

the General Assembly shall have the power at any time to organize new counties by changing the boundaries of any of the old ones; but no new county shall be hereafter formed of less extent than six hundred and twenty-five square miles, nor shall any existing counties be reduced to a less extent than six hundred and twenty-five square miles. Each county shall constitute one election district.

Section 1. That article II of the Constitution of the State of South Carolina be, and the same is hereby, amended so that in sections four and five of said article, the following shall be substituted, and shall be known as section four, thereof, to wit:

Sec. 4. The House of Representatives shall consist of one hundred and twenty-four members, to be apportioned among the several counties according to the number of inhabitants contained in each; an enumeration of the inhabitants for this purpose shall be made in 1891, and shall be made in the course of every tenth year thereafter, in such manner as shall be by law directed: Provided, That the General Assembly may at any time in its discretion adopt the immediately preceding United States census as a true and correct enumeration of the inhabitants of the several counties, and make the apportionment or assignment of Representatives among the several counties according to said enumeration: Provided, however, This amendment shall not prevent the General Assembly from providing for an enumeration and apportionment prior to 1891 in the manner now provided for by law.

Sec. 6. In assigning Representatives to the several counties, the General Assembly shall allow one Representative to every one hundred and twenty-fourth part of the whole number of inhabitants in the State: Provided, That if the apportionment of Representatives any county shall appear not to be entitled, from its population, to a Representative, such county shall, nevertheless, send one Representative; and if there be still a deficiency of the number of Representatives required by section fourth of this article, such deficiency shall be supplied by assigning Representatives to those counties having the largest surplus fractions.

Sec. 7. No apportionment of Representatives shall be construed to take effect in any manner until the general election which shall succeed such apportionment.

Sec. 8. The Senate shall be composed of one member from each county, to be elected for the term of four years by the quali-

fed voters of the State, in the same manner in which members of the House of Representatives are chosen, except the county of Charleston, which shall be allowed two Senators.

Sec. 9. Upon the meeting of the first General Assembly which shall be chosen under the provisions of this Constitution, the Senators shall be divided by lot into two classes, as nearly equal as may be; the seats of the Senators of the first class to be vacated at the expiration of two years after the Monday following the general election, and of those of the second class at the expiration of four years, so that, except as above provided, one-half of the Senators may be chosen every second year.

Sec. 10. No person shall be eligible to a seat in the Senate or House of Representatives who at the time of his election is not a citizen of the United States; nor anyone who has not been for one year next preceding his election a resident of this State and for three months next preceding his election a resident of the county whence he may be chosen; nor anyone who has been convicted of an infamous crime. Senators shall be at least twenty-five and Representatives at least twenty-one years of age.

Sec. 11. The first election for Senators and Representatives under the provisions of this Constitution shall be held on the fourteenth, fifteenth and sixteenth days of April of the present year, and the second election shall be held on the third Wednesday in October, eighteen hundred and seventy; and forever thereafter on the same day in every second year, in such manner and at such places as the General Assembly may hereafter provide.

Sec. 12. The first session of the General Assembly after the ratification of this Constitution shall be convened on the second Tuesday of May of the present year, in the city of Columbia, (which shall remain the seat of government until otherwise determined by the concurrence of two-thirds of both branches of the whole representation), and thereafter on the fourth Tuesday in November annually. Should the casualties of war or contagious disease render it unsafe to meet at the seat of government, then the Governor may, by proclamation, appoint a more secure and convenient place of meeting.

Sec. 13. The terms of office of the Senators and Representatives chosen at a general election shall begin on the Monday following such election.

Sec. 14. Each house shall judge of the election returns and qualifications of its own members, and a majority of each house

shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as may be provided by law.

Sec. 15. Each house shall choose its own officers, determine its rules of proceeding, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

Sec. 16. Each house may punish by imprisonment, during its sitting, any person not a member who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence, or who, during the time of its sitting, shall threaten harm to body or estate of any member for anything said or done in either house, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person ordered to attend the house, in his going thereto or returning therefrom, or who shall rescue any person arrested by order of the house: Provided, That such time of imprisonment shall not in any case extend beyond the session of the General Assembly.

Sec. 17. The members of both houses shall be protected in their persons and estates during their attendance on, going to and returning from the General Assembly, and ten days previous to the sitting and ten days after the adjournment thereof. But these privileges shall not be extended so as to protect any member who shall be charged with treason, felony or breach of the peace.

Sec. 18. Bills for raising a revenue shall originate in the House of Representatives, but may be altered, amended or rejected by the Senate; and all other bills may originate in either house, and may be amended, altered or rejected by the other.

Sec. 19. The style of all laws shall be: "Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same."

Sec. 20. Every act or resolution having the force of law shall relate to but one subject, and that shall be expressed in the title.

Sec. 21. No bill shall have the force of law until it shall have been read three times, and on three several days, in each house,



has had the great seal of the State affixed to it, and has been signed in the Senate house by the president of the Senate and the Speaker of the House of Representatives.

Sec. 22. No money shall be drawn from the treasury but in pursuance of an appropriation made by law; and a regular statement and account of the receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

Sec. 23. Each member of the first General Assembly under this Constitution shall receive six dollars per diem while in session, and the further sum of twenty cents for every mile of the ordinary route of travel in going to and returning from the place where such session is held, after which they shall receive such compensation as shall be fixed by law; but no General Assembly shall have the power to increase the compensation of its own members. And when convened in extra session they shall receive the same mileage and per diem compensation as are fixed by law for the regular session, and none other.

Sec. 24. In all elections by the General Assembly, or either house thereof, the members shall vote "viva voce," and their votes, thus given, shall be entered upon the journal of the house to which they respectively belong.

Sec. 25. Neither house, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the Assembly shall be at the time sitting.

Sec. 26. Each house shall keep a journal of its own proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as in its judgment may require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals. Any member of either house shall have liberty to dissent from, and protest against, any act or resolution which he may think injurious to the public or to an individual, and have the reasons of his dissent entered on the journals.

Sec. 27. The doors of each house shall be open, except on such occasions as in the opinion of the house may require secrecy.

Sec. 28. No person shall be eligible to a seat in the General Assembly whilst he holds any office of profit or trust under this State, the United States of America, or any of them, or under

any other power, except officers in the militia, magistrates, or justices of inferior courts, while such justices receive no salary. And if any member shall accept or exercise any of the said disqualifying offices, he shall vacate his seat: Provided, That this prohibition shall not extend to the members of the first General Assembly.

Sec. 29. If any election district shall neglect to choose a member or members on the day of election, or if any person chosen a member of either house shall refuse to qualify and take his seat, or shall resign, die, depart the State, accept any disqualifying office, or become otherwise disqualified to hold his seat, a writ of election shall be issued by the president of the Senate, or Speaker of the House of Representatives, as the case may be, for the purpose of filling the vacancy thereby occasioned, for the remainder of the term for which the person so refusing to qualify, resigning, dying, departing the State, or becoming disqualified, was elected to serve, or the defaulting election district ought to have chosen a member or members.

Sec. 30. Members of the General Assembly, and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take and subscribe the following oath:

"I do solemnly swear (or affirm, as the case may be), that I am duly qualified, according to the Constitution of the United States and of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will faithfully discharge, to the best of my abilities, the duties thereof; that I recognize the supremacy of the Constitution and laws of the United States over the Constitution and laws of any State; and that I will support, protect and defend the Constitution of the United States, and the Constitution of South Carolina, as ratified by the people on the sixteenth day of April, 1868. So help me God." (And the president of this convention is authorized to fill the blanks in this section whenever he shall receive satisfactory information of the day on which this Constitution shall be ratified.)

Sec. 31. Officers shall be removed for incapacity, misconduct or neglect of duty, in such manner as may be provided by law, when no mode of trial or removal is provided in this Constitution.

Sec. 32. The family homestead of the head of each family residing in this State, such homestead consists of dwelling house, out-buildings and lands appurtenant, not to exceed the value of one thousand dollars and yearly product thereof, shall be exempt from attachment, levy or sale on any mesne or final process issued from any court. To secure the full enjoyment of said homestead exemption to the person entitled thereto, or to the head of any family, the personal property of such person, of the following character, to wit, household furniture, beds and bedding, family library, arms, carts, wagons, farming implements, tools, neat cattle, work animals, swine, goats and sheep, not to exceed in value, in the aggregate, the sum of five hundred dollars, shall be subject to like exemption as said homestead, and there shall be exempt, in addition thereto, all necessary wearing apparel: Provided, That no property shall be exempt from attachment, levy or sale for taxes or for payment of obligations contracted for the purchase of said homestead or the erection of improvements thereon: Provided, further, That the yearly products of said homestead shall not be exempt from attachment, levy or sale for the payment of obligations contracted in the production of the same. It shall be the duty of the General Assembly, at their first session, to enforce the provisions of this section by suitable legislation.

Sec. 33. All taxes upon property, real or personal, shall be laid upon the actual value of the property taxed, as the same shall be ascertained by an assessment made for the purpose of laying such tax.

### ARTICLE III.

#### *Executive Department.*

Section 1. The supreme executive authority of this State shall be vested in a chief magistrate who shall be styled "The Governor of the State of South Carolina."

Sec. 2. The Governor shall be elected by the electors duly qualified to vote for members of the House of Representatives, and shall hold his office for two years, and until his successor shall be chosen and qualified, and shall be re-eligible. He shall be elected at the first general election held under this Constitution for members of the General Assembly and at each general election thereafter, and shall be installed during the first session of the said General Assembly after his election, on such

day as shall be provided for by law. The other State officers elect shall at the same time enter upon the performance of their duties.

Sec. 3. No person shall be eligible to the office of Governor who denies the existence of the Supreme Being, or who at the time of such election has not attained the age of thirty years, and who, except at the first election under this Constitution, shall not have been a citizen of the United States and a citizen and resident of this State for two years next preceding the day of election. No person while Governor shall hold any office or other commission (except in the militia) under this State, or any other power, at one and the same time.

Sec. 4. The returns of every election of Governor shall be sealed up by the managers of elections in their respective counties and transmitted by mail to the seat of government, directed to the Secretary of State, who shall deliver them to the speaker of the House of Representatives at the next ensuing session of the General Assembly, and a duplicate of said returns shall be filed with the clerks of the courts of said counties, whose duty it shall be to forward to the Secretary of State a certified copy thereof upon being notified that the returns previously forwarded by mail have not been received at his office. It shall be the duty of the Secretary of State, after the expiration of seven days from the day upon which the votes have been counted, if the returns thereof from any county have not been received, to notify the clerk of the court of said county and order a copy of the returns filed in his office to be forwarded forthwith. The Secretary of State shall deliver the returns to the Speaker of the House of Representatives at the next ensuing session of the General Assembly, and during the first week of the session, or as soon as the General Assembly shall have organized by the election of the presiding officers of the two houses, the speaker shall open and publish them in the presence of both houses. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, the General Assembly shall, during the same session, in the House of Representatives, choose one of them Governor *viva voce*. Contested elections for Governor shall be determined by the General Assembly in such manner as shall be prescribed by law.

Sec. 5. A Lieutenant-Governor shall be chosen at the same time, in the same manner, continue in office for the same period,

and be possessed of the same qualifications as the Governor, and shall ex officio be president of the Senate.

Sec. 6. The Lieutenant-Governor, while presiding in the Senate, shall have no vote, unless the Senate be equally divided.

Sec. 7. The Senate shall choose a president pro tempore, to act in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor.

Sec. 8. A member of the Senate or of the House of Representatives being chosen and acting as Governor or Lieutenant-Governor shall thereupon vacate his seat, and another person shall be elected in his stead.

Sec. 9. In case of the removal of the Governor from his office, or his death, resignation, removal from the State, or inability to discharge the powers and duties of the said office, the same shall devolve on the Lieutenant-Governor, and the General Assembly, at its first session after the ratification of this Constitution, shall, by law, provide for the case of removal, death, resignation or inability, both of the Governor and Lieutenant-Governor, declaring what officer shall then act as Governor, and such officer shall act accordingly, until such disability shall have been removed, or a Governor shall have been elected.

Sec. 10. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the actual service of the United States.

Sec. 11. He shall have power to grant reprieves and pardons after conviction (except in cases of impeachment), in such manner, on such terms and under such restrictions as he shall think proper; and he shall have power to remit fines and forfeitures, unless otherwise directed by law. It shall be his duty to report to the General Assembly, at the next regular session thereafter, all pardons granted by him, with a full statement of each case, and the reasons moving him thereunto.

Sec. 12. He shall take care that the laws be faithfully executed, in mercy.

Sec. 13. The Governor and Lieutenant-Governor shall, at stated times, receive for their service a compensation, which shall be neither increased or diminished during the period for which they shall have been elected.

Sec. 14. All officers in the executive department shall, when required by the Governor, give him information in writing upon any subject relating to the duties of their respective offices.

Sec. 15. The Governor shall, from time to time, give to the General Assembly information of the condition of the State, and recommend to their consideration such measures as he shall judge necessary or expedient.

Sec. 16. He may, on extraordinary occasions, convene the General Assembly; and should either house remain without a quorum for five days, or in case of disagreements between the two houses with respect to the time of adjournment, may adjourn them to such time as he shall think proper, not beyond the time of the annual session then next ensuing.

Sec. 17. He shall commission all officers of the State.

Sec. 18. There shall be a seal of the State, for which the General Assembly, at its first session, shall provide, and which shall be used by the Governor officially, and shall be called "The Great Seal of the State of South Carolina."

Sec. 19. All grants and commissions shall be issued in the name and by the authority of the State of South Carolina, sealed with the great seal, signed by the Governor, and countersigned by the Secretary of State.

Sec. 20. The Governor and the Lieutenant-Governor, before entering upon the duties of their respective offices, shall take and subscribe the oath of office as prescribed in article two, section thirty, of this Constitution.

Sec. 21. The Governor shall reside at the capital of the State; but during the sittings of the General Assembly he shall reside where its sessions are held, except in case of contagion.

Sec. 22. Every bill or joint resolution which shall have passed the General Assembly, except on a question of adjournment, shall, before it becomes a law, be presented to the Governor, and, if he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it shall have originated; which shall enter the objections at large on its journals and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass it, it shall be sent, together with the objections, to the other house, by which it shall be reconsidered, and, if approved by two-thirds of that house, it shall have the same effect as if it had been signed by the Governor; but in all such cases the vote of both houses shall be

taken by yeas and nays, and the names of the persons voting for and against the bill or joint resolution shall be entered on the journals of both houses respectively. If a bill or joint resolution shall not be returned by the Governor within three days after it shall have been presented to him, Sundays excepted, it shall have the same force and effect as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall not have such force and effect unless returned within two days after their next meeting.

Sec. 23. There shall be elected by the qualified voters of the State a Comptroller-General, a Treasurer, and a Secretary of State, who shall hold their respective offices for the term of four years, and whose duties and compensation shall be prescribed by law.

#### ARTICLE IV.

##### *Judicial Department.*

Section 1. The judicial power of this State shall be vested in a Supreme Court, in two Circuit Courts, to wit: A Court of Common Pleas, having civil jurisdiction, and a Court of General Sessions, with criminal jurisdiction only, in Probate Courts and in justices of the peace. The General Assembly may also establish such municipal and other inferior courts as may be deemed necessary.

Sec. 2. The Supreme Court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum. They shall be elected by a joint vote of the General Assembly for the term of six years, and shall continue in office until their successors shall be elected and qualified. They shall be so classified that one of the justices shall go out of office every two years.

Sec. 3. The chief justice elected under this Constitution shall continue in office for six years, and the General Assembly, immediately after the said election, shall determine which of the two associate justices-elect shall serve for the term of two years, and which for the term of four years, and, having so determined the same, it shall be the duty of the Governor to commission them accordingly.

Sec. 4. The Supreme Court shall have appellate jurisdiction only in cases of chancery, and shall constitute a court for the correction of errors at law, under such regulations as the General

Assembly may by law prescribe: Provided, The said court shall always have power to issue writs of injunction, mandamus, quo warranto, habeas corpus, and such other original and remedial writs as may be necessary to give it a general supervisory control over all other courts in the State.

Sec. 5. The Supreme Court shall be held at least once in each year at the seat of government, and at such other place or places in the State as the General Assembly may direct.

Sec. 6. No judge shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been counsel or have presided in any inferior court, except by consent of all the parties. In case all or any of the judges of the Supreme Court shall be thus disqualified from presiding in any cause or causes, the court or the judges thereof shall certify the same to the Governor of the State, and he shall immediately commission, specially, the requisite number of men learned in the law for the trial and determination thereof. The same course shall be pursued in the Circuit and inferior courts as is prescribed in this section for cases of the Supreme Court.

Sec. 7. There shall be appointed by the judges of the Supreme Court a reporter and clerk of said court, who shall hold their offices for two years, and whose duties and compensation shall be prescribed by law.

Sec. 8. When a judgment or decree is reversed or affirmed by the Supreme Court, every point made and distinctly stated in writing in the cause and fairly arising upon the record of the case shall be considered and decided, and the reasons therefor shall be concisely and briefly stated in writing and preserved with the records of the case.

Sec. 9. The judges of the Supreme Court and Superior Courts shall, at stated times, receive a compensation for their services, to be fixed by law, which shall not be diminished during their continuance in office. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State, the United States, or any other power.

Sec. 10. No person shall be eligible to the office of judge of the Supreme Court or Circuit Courts who is not at the time of his election a citizen of the United States and has not attained



the age of thirty years, and been a resident of this State for five years next preceding his election, or from the adoption of this Constitution.

Sec. 11. All vacancies in the Supreme Court or other inferior tribunals shall be filled by elections as herein provided: Provided, That if the unexpired term does not exceed one year such vacancy may be filled by executive appointment. All judges, by virtue of their office, shall be conservators of the peace throughout the State.

Sec. 12. In all cases decided by the Supreme Court a concurrence of two of the judges shall be necessary to a decision.

Sec. 13. The State shall be divided into convenient circuits, and for each circuit a judge shall be elected by joint ballot of the General Assembly, who shall hold his office for a term of four years, and during his continuance in office he shall reside in the circuit of which he is judge.

Sec. 14. Judges of the Circuit Court shall interchange circuits with each other in such manner as may be determined by law.

Sec. 15. The Courts of Common Pleas shall have exclusive jurisdiction in all cases of divorce, and exclusive original jurisdiction in all civil cases and actions ex delicto which shall not be cognizable before justices of the peace, and appellate jurisdiction in all such cases as may be provided by law. They shall have power to issue writs of mandamus, prohibition, scire facias, and all other writs which may be necessary for carrying their powers fully into effect.

Sec. 16. The Court of Common Pleas shall sit in each judicial district in this State at least twice in every year, at such stated times and places as may be appointed by law. It shall have jurisdiction in all matters of equity, but the courts heretofore established for that purpose shall continue as now organized until the first day of January, one thousand eight hundred and sixty-nine, for the disposition of causes now pending therein, unless otherwise provided by law.

Sec. 17. The General Assembly shall provide by law for the preservation of the records of the courts of equity, and also for the transfer to the Courts of Common Pleas and Probate Courts for final decision of all causes that may remain undetermined. It

shall be the duty of the judges of the Supreme and Circuit Courts to file their decisions within sixty days from the last day of the term of court at which the causes were heard.

Sec. 18. The Court of General Sessions shall have exclusive jurisdiction over all criminal cases which shall not be otherwise provided for by law. It shall sit in each county in the State at least three times in each year, at such stated times and places as the General Assembly may direct.

Sec. 19. The qualified electors of each county shall elect three persons for the term of two years, who shall constitute a board of county commissioners, which shall have jurisdiction over roads, highways, ferries, bridges, and in all matters relating to taxes, disbursements of money for county purposes, and in every other case that may be necessary to the internal improvement and local concerns of the respective counties: Provided, That in all cases there shall be the right to appeal to the State Courts. (Repealed.)

Sec. 20. A Court of Probate shall be established in each county, with jurisdiction in all matters testamentary and of administration in business appertaining to minors, and the allotment of dower in cases of idiocy and lunacy and persons non compos mentis. The judge of said court shall be elected by the qualified electors of the respective counties for the term of four years.

Sec. 21. A competent number of justices of the peace and constables shall be chosen in each county by the qualified electors thereof, in such manner as the General Assembly may direct; they shall hold their offices for a term of two years and until their successors are elected and qualified. They shall reside in the county, city or beat for which they are elected, and the justices of the peace shall be commissioned by the Governor.

Sec. 22. Justices of the peace, individually, or two or more of them jointly, as the General Assembly may direct, shall have original jurisdiction in cases of bastardy, and in all matters of contract, and actions for the recovery of fines and forfeitures where the amount claimed does not exceed one hundred dollars, and such jurisdiction as may be provided by law in actions ex delicto where the damages claimed do not exceed one hundred dollars, and prosecutions for assault and battery, and other penal offenses less than felony, punishable by fines only.

Sec. 23. They may also sit as examining courts, and commit, discharge or recognize (except in capital cases) persons charged with offenses, subject to such regulations as the General Assembly may provide; they shall also have power to bind over to keep the peace, or for good behavior. For the foregoing purposes, they shall have power to issue all necessary processes.

Sec. 24. Every action cognizable before justices of the peace, instituted by summons or warrants, shall be brought before some justice of the peace in the county or city where the defendant resides, and in all such causes tried by them the right of appeal shall be secured under such rules and regulations as may be provided by law.

Sec. 25. The judges of probate, county commissioners, justices of the peace and constables shall receive for their services such compensation and fees as the General Assembly may from time to time by law direct.

Sec. 26. Judges shall not charge juries in respect to matters of fact, but may state the testimony and declare the law.

Sec. 27. There shall be elected in each county, by the electors thereof, one clerk for the Court of Common Pleas, who shall hold his office for the term of four years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all other courts of record held therein, but the General Assembly may provide by law for the election of a clerk, with a like term of office, for each or any other of the courts of record, and may authorize the judge of the Probate Court to perform the duties of clerk for his court, under such regulations as the General Assembly may direct. Clerks of courts shall be removable for such cause and in such manner as shall be prescribed by law.

Sec. 28. There shall be an Attorney-General for the State, who shall perform such duties as may be prescribed by law. He shall be elected by the qualified electors of the State for the term of four years, and shall receive for his services such compensation as shall be fixed by law.

Sec. 29. There shall be one solicitor for each circuit, who shall reside therein, to be elected by the qualified electors of the circuit, who shall hold his office for the term of four years, and shall receive for his services such compensation as shall be fixed

by law. In all cases where an attorney for the State of any circuit fails to attend and prosecute according to law, the court shall have power to appoint an attorney pro tempore.

Sec. 30. The qualified electors of each county shall elect a sheriff and coroner, for the term of four years, and until their successors are elected and qualified; they shall reside in their respective counties during their continuance in office, and be disqualified for the office a second time if it should appear that they, or either of them, are in default for moneys collected by virtue of their respective offices.

Sec. 31. All writs and processes shall run and all prosecutions shall be conducted in the name of the State of South Carolina; all writs shall be attested by the clerk of the court from which they shall be issued; and all indictments shall conclude "against the peace and dignity of the State."

Sec. 32. The General Assembly shall provide by law for the speedy publication of the decisions of the Supreme Court made under this Constitution.

Sec. 33. The first General Assembly convened under this Constitution, at their first session, immediately after their permanent organization, shall ratify the amendment to the Constitution of the United States known as the Fourteenth Article, proposed by the Thirty-ninth Congress.

Sec. 34. All contracts, whether under seal or not, the consideration of which were for the purchase of slaves, are hereby declared null and void and of no effect, and no suit, either at law or equity, shall be commenced or prosecuted for the enforcement of such contracts; and all proceedings to enforce satisfaction or payment on judgments or decrees rendered, recorded, enrolled or entered up on such contracts in any court of this State are hereby prohibited; and all orders heretofore made in this State in relation to such contracts, whereby property is held subject to decision as to the validity of such contracts, are also hereby declared null and void and of no effect.

## ARTICLE V.

### *Jurisprudence.*

Section 1. The General Assembly shall pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

Sec. 2. It shall be the duty of the General Assembly to pass the necessary laws for the change of venue in all cases, civil and criminal, over which the circuit courts have original jurisdiction, upon a proper showing, supported by affidavit, that a fair and impartial trial cannot be had in the county where such trial or prosecution was commenced.

Sec. 3. The General Assembly, at its first session after the adoption of this Constitution, shall make provision to revise, digest and arrange, under proper heads, the body of our laws, civil and criminal, and form a penal code, founded upon principles of reformation, and have the same promulgated in such manner as they may direct; and a like revision, digest and promulgation shall be made within every subsequent period of ten years. That justice may be administered in a uniform mode of pleading, without distinction between law and equity, they shall provide for abolishing the distinct forms of action, and for that purpose shall appoint some suitable person or persons, whose duty it shall be to revise, simplify and abridge the rules, practice, pleadings and forms of the courts now in use in this State.

#### ARTICLE VI.

##### *Eminent Domain.*

Section 1. The State shall have concurrent jurisdiction on all rivers bordering on this State, so far as such rivers shall form a common boundary to this and any other State bounded by the same; and they, together with all other navigable waters within the limits of the State, shall be common highways, and forever free, as well to the inhabitants of this State as to the citizens of the United States, without any tax or impost therefor, unless the same be expressly provided for by the General Assembly.

Sec. 2. The title to all lands and other property which have heretofore accrued to this State by grant, gift, purchase, forfeiture, escheats or otherwise shall vest in the State of South Carolina the same as though no change had taken place.

Sec. 3. The people of the State are declared to possess the ultimate property in and to all lands within the jurisdiction of the State, and all lands the title to which shall fail from defect of heirs shall revert or escheat to the people.

## ARTICLE VII.

*Impeachments.*

Section 1. The House of Representatives shall have the sole power of impeachment. A vote of two-thirds of all the members elected shall be required for an impeachment, and any officer impeached shall thereby be suspended from office until judgment in the case shall have been pronounced.

Sec. 2. All impeachments shall be tried by the Senate, and when sitting for that purpose they shall be under oath or affirmation. No person shall be convicted except by vote of two-thirds of all the members elected. When the Governor is impeached, the chief justice of the Supreme Court, or the senior judge, shall preside, with a casting vote in all preliminary questions.

Sec. 3. The Governor and all other executive and judicial officers shall be liable to impeachment; but judgment in such case shall not extend further than removal from office. The persons convicted shall, nevertheless, be liable to indictment, trial and punishment according to law.

Sec. 4. For any willful neglect of duty, or other reasonable cause, which shall not be sufficient grounds for impeachment, the Governor shall remove any executive or judicial officer on the address of two-thirds of each house of the General Assembly: Provided, That the cause, or causes, for which said removal may be required shall be stated at length in such address and entered on the journals of each house: And provided, further, That the officer intended to be removed shall be notified of such cause or causes, and shall be admitted to a hearing in his own defense, before any vote for such address; and in all cases the vote shall be taken by yeas and nays, and be entered on the journals of each house respectively.

## ARTICLE VIII.

*Right of Suffrage.*

Section 1. In all elections by the people the electors shall vote by ballot.

Sec. 2. Every male citizen of the United States, of the age of twenty-one years and upwards, not laboring under the disabilities named in this Constitution, without distinction of race, color or former condition, who shall be a resident of this State at the time of the adoption of this Constitution, or who shall thereafter

reside in this State one year, and in the county in which he offers to vote sixty days next preceding any election, shall be entitled to vote for all officers that are now, or hereafter may be, elected by the people, and upon all questions submitted to the electors at any elections: Provided, That no person shall be allowed to vote or hold office who is now, or hereafter may be, disqualified therefor by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States: Provided, further, That no person while kept in any almshouse or asylum or of unsound mind, or confined in any public prison, shall be allowed to vote or hold office.

Sec. 3. It shall be the duty of the General Assembly to provide from time to time for the registration of all electors.

Sec. 4. For the purpose of voting, no person shall be deemed to have lost his residence by reason of absence while employed in the service of the United States, nor while engaged upon the waters of this State or the United States, or of the high seas, nor while temporarily absent from the State.

Sec. 5. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of having been stationed therein.

Sec. 6. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest and civil process during their attendance at elections, and in going to and returning from the same.

Sec. 7. Every person entitled to vote at any election shall be eligible to any office which now is, or hereafter shall be, elective by the people in the county where he shall have resided sixty days previous to such election, except as otherwise provided in this Constitution or the Constitution and laws of the United States.

Sec. 8. The General Assembly shall never pass any law that will deprive any of the citizens of this State of the right of suffrage, except for treason, murder, robbery, or dueling, whereof the persons shall have been duly tried and convicted.

Sec. 9. Presidential electors shall be elected by the people.

Sec. 10. In all elections held by the people under this Constitution, the person or persons who shall receive the highest number of votes shall be declared elected.

Sec. 11. The provisions of this Constitution concerning the term of residence necessary to enable persons to hold certain offices therein mentioned shall not be held to apply to officers chosen by the people at the first election, or by the General Assembly at its first session.

Sec. 12. No person shall be disfranchised for felony or other crimes committed while such person was a slave.

#### ARTICLE IX.

##### *Finance and Taxation.*

Section 1. The General Assembly shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, the proceeds of which alone shall be taxed; and also excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious or charitable purposes.

Sec. 2. The General Assembly may provide annually for a poll-tax, not to exceed one dollar on each poll, which shall be applied exclusively to the public school fund. And no additional poll-tax shall be levied by any municipal corporation.

Sec. 3. The General Assembly shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year; and whenever it shall happen that such ordinary expenses of the State for any year shall exceed the income of the State for such year the General Assembly shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of the ensuing year.

Sec. 4. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same; to which object such tax shall be applied.

Sec. 5. It shall be the duty of the General Assembly to enact laws for the exemption from taxation of all public schools, colleges and institutions of learning, all charitable institutions in the nature of asylums for the infirm, deaf and dumb, blind, idiotic and indigent persons, all public libraries, churches and burying grounds; but property of associations and societies, although connected with charitable objects, shall not be exempt from State,



county or municipal taxation: Provided, That this exemption shall not extend beyond the buildings and premises actually occupied by such schools, colleges, institutions of learning, asylums, libraries, churches and burial grounds, although connected with charitable objects.

Sec. 6. The General Assembly shall provide for the valuation and assessment of all lands and the improvements thereon prior to the assembling of the General Assembly of one thousand eight hundred and seventy, and thereafter on every fifth year.

Sec. 7. For the purpose of defraying extraordinary expenditures the State may contract public debts; but such debts shall be authorized by law for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the General Assembly, to be recorded by yeas and nays on the journals of each house respectively; and every such law shall levy a tax annually sufficient to pay the annual interest of such debt.

Sec. 8. The corporate authorities of counties, townships, school districts, cities, towns and villages may be vested with power to assess and collect taxes for corporate purposes; such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. And the General Assembly shall require that all the property, except that heretofore exempted, within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law.

Sec. 9. The General Assembly shall provide for the incorporation and organization of cities and towns, and shall restrict their powers of taxation, borrowing money, contracting debts and loaning their credit.

Sec. 10. No scrip, certificate or other evidence of State indebtedness shall be issued except for the redemption of stock, bonds or other evidences of indebtedness previously issued, or for such debts as are expressly authorized in this Constitution.

Sec. 11. An accurate statement of the receipt and expenditures of the public money shall be published, with the laws of each regular session of the General Assembly, in such manner as may by law be directed.

Sec 12. No money shall be drawn from the treasury but in pursuance of appropriations made by law.

Sec. 13. The fiscal year shall commence on the first day of November in each year.

Sec. 14. Any debt contracted by the State shall be by loan on State bonds or stock, of amounts not less than \$100 each, bearing interest payable semi-annually, and payable within fifty years after the final passage of the law authorizing such debt. The correct registry of all such bonds or stock shall be kept by the treasurer in numerical order, so as always to exhibit the number and amount unpaid, and to whom severally made payable.

Sec. 15. Suitable laws shall be passed by the General Assembly for the safe keeping, transfer and disbursement of the State, county and school funds; and all officers and other persons charged with the same shall keep an accurate entry of each sum received, and of each payment and transfer, and shall give such security for the faithful discharge of such duties as the General Assembly may provide. And it shall be the duty of the General Assembly to pass laws making embezzlement of such funds a felony, punishable by fine and imprisonment, proportioned to the amount of deficiency or embezzlement, and the party convicted of such felony shall be disqualified from ever holding any office of honor or emolument in this State: Provided, however, That the General Assembly, by a two-third vote, may remove the disability upon the payment in full of the principal and interest of the sum embezzled.

Sec. 16. No debt contracted by this State in behalf of the late rebellion, in whole or in part, shall ever be paid.

That article nine of the Constitution to be amended by adding thereto the following section, to be known as section seventeen:

Sec. 17. Any bonded debt hereafter incurred by any county, municipal corporation or political division of this State, shall never exceed eight per centum of the assessed value of the taxable property therein.

## ARTICLE X.

### *Education.*

Section 1. The supervision of public instruction shall be vested in a State Superintendent of Education, who shall be elected by the qualified electors of the State in such manner and at such time as the other State officers are elected; his powers, duties, term of office and compensation shall be defined by the General Assembly.

Sec. 2. There shall be elected biennially in each county, by the qualified electors thereof, one school commissioner, said commissioners to constitute a State Board of Education, of which the State Superintendent shall, by virtue of his office, be chairman. The powers, duties and compensation of the members of said board shall be determined by law.

Sec. 3. The General Assembly shall, as soon as practicable after the adoption of this Constitution, provide for a liberal and uniform system of free public schools throughout the State, and shall also make provision for the division of the State into suitable school districts. There shall be kept open at least six months in each year one or more schools in each school district.

Sec. 4. It shall be the duty of the General Assembly to provide for the compulsory attendance, at either public or private schools, of all children between the ages of six and sixteen years, not physically or mentally disabled, for a term equivalent to twenty-four months at least: Provided, That no law to that effect shall be passed until a system of public schools has been thoroughly and completely organized, and facilities afforded to all the inhabitants of the State for the free education of their children.

Sec. 5. The General Assembly shall levy, at each regular session after the adoption of this Constitution, an annual tax on all taxable property throughout the State for the support of public schools, which tax shall be collected at the same time and by the same agents as the general State levy, and shall be paid into the treasury of the State. There shall be assessed on all taxable polls in the State an annual tax of one dollar on each poll, the proceeds of which tax shall be applied solely to educational purposes: Provided, That no person shall ever be deprived of the right of suffrage for the non-payment of said tax. No other poll or capitation tax shall be levied in the State, nor shall the amount assessed on each poll exceed the limit given in this section. The school tax shall be distributed among the several school districts of the State, in proportion to the respective number of pupils attending the public schools. No religious sect or sects shall have exclusive right to, or control of, any part of the school funds of the State, nor shall sectarian principles be taught in the public schools.

Sec. 6. Within five years after the first regular session of the General Assembly following the adoption of this Constitution, it shall be the duty of the General Assembly to provide for the

establishment and support of a State Normal School, which shall be open to all persons who may wish to become teachers.

Sec. 7. Educational institutions for the benefit of all the blind, deaf and dumb and such other benevolent institutions as the public good may require, shall be established and supported by the State, subject to such regulations as may be prescribed by law.

Sec. 8. Provisions shall be made by law, as soon as practicable, for the establishment and maintenance of a State reform school for juvenile offenders.

Sec. 9. The General Assembly shall provide for the maintenance of the State University, and, as soon as practicable, provide for the establishment of an agricultural college, and shall appropriate the land given to this State, for the support of such a college, by the act of Congress, passed July second, one thousand eight hundred and sixty-two, or the money or scrip, as the case may be, arising from the sale of said lands, or any lands which may hereafter be given or appropriated for such purpose, for the support and maintenance of such college, and may make the same a branch of the State University, for instruction in agriculture, the mechanic arts, and the natural sciences connected therewith.

Sec. 10. All the public schools, colleges and universities of this State supported, in whole or in part, by the public funds, shall be free and open to all the children and youths of the State without regard to race or color.

Sec. 11. The proceeds of all lands that have been or hereafter may be given by the United States to this State for educational purposes, and not otherwise appropriated by this State or the United States, and of all lands or other property given by individuals, or appropriated by the State for like purpose, and of all estates of deceased persons who have died without leaving a will or heir, shall be securely invested and sacredly preserved as a State school fund, and the annual interest and income of said fund, together with such other means as the General Assembly may provide, shall be faithfully appropriated for the purpose of establishing and maintaining free public schools, and for no other purposes or uses whatever.

## ARTICLE XI.

### *Charitable and Penal Institutions.*

Section 1. Institutions for the benefit of the insane, blind, deaf and dumb and the poor shall always be fostered and sup-

ported by this State, and shall be subject to such regulations as the General Assembly may enact.

Sec. 2. The directors of the penitentiary shall be elected or appointed as the General Assembly may direct.

Sec. 3. The directors of the benevolent and other State institutions, such as may be hereafter created, shall be appointed by the Governor, by and with the consent of the Senate; and upon all nominations made by the Governor the question shall be taken by yeas and nays and entered upon the journals.

Sec. 4. The Governor shall have power to fill all vacancies that may occur in the offices aforesaid until the next session of the General Assembly, and until a successor or successors shall be appointed and confirmed.

Sec. 5. The respective counties of this State shall make such provision as may be determined by law for all those inhabitants who, by reason of age and infirmities and misfortunes, may have a claim upon the sympathy and aid of society.

Sec. 6. The physician of the lunatic asylum, who shall be superintendent of the same, shall be appointed by the Governor, with the advice and consent of the Senate. All other necessary officers and employes shall be appointed by the Governor.

## ARTICLE XII.

### *Corporations.*

Section 1. Corporations may be formed under general laws, but all such laws may, from time to time, be altered or repealed.

Sec. 2. The property of corporations now existing or hereafter created shall be subject to taxation, except in cases otherwise provided for in this Constitution.

Sec. 3. No right of way shall be appropriated to the use of any corporation until full compensation therefor shall be first made, or secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury of twelve men, in a court of record, as shall be prescribed by law.

Sec. 4. Dues from corporations shall be secured by such individual liability of the stockholders and other means as may be prescribed by law.

Sec. 5. All general laws and special acts passed pursuant to this section shall make provisions therein for fixing the personal

liability of stockholders under proper limitations; and shall prevent and punish fraudulent misrepresentations as to the capital, property and resources of such corporations; and shall also regulate the public use of all franchises which have heretofore been, or hereafter may be, created or granted by or under the authority of this State; and shall limit all tolls, imposts and other charges and demands under such laws.

Sec. 6. The General Assembly shall grant no charter for banking purposes, nor renew any banking corporations now in existence, except upon the condition that the stockholders shall be liable to the amount of their respective share or shares of stock in such banking institution for all its debts and liabilities, upon note, bill or otherwise; and upon the further condition that no director or other officer of said corporation shall borrow any money from said corporation; and if any director or other officer shall be convicted, upon indictment, of directly or indirectly violating this section, he shall be punished by fine or imprisonment, at the discretion of the court. The books, papers and accounts of all banks shall be open to inspection, under such regulations as may be prescribed by law.

#### ARTICLE XIII.

##### *Militia.*

Section 1. The militia of this State shall consist of all able-bodied male citizens of the State between the ages of eighteen and forty-five years, except such persons as are now, or may hereafter be, exempted by the laws of the United States, or who may be averse to bearing arms, as provided for in this Constitution; and shall be organized, armed, equipped and disciplined as the General Assembly may by law provide.

Sec. 2. The Governor shall have power to call out the militia to execute the laws, repel invasion, repress insurrection and preserve the public peace.

Sec. 3. There shall be an Adjutant and Inspector-General elected by the qualified electors of the State, at the same time and in the same manner as other State officers, who shall rank as a Brigadier-General, and whose duties and compensation shall be prescribed by law. The Governor shall appoint, by and with the advice and consent of the Senate, such other staff officers as the General Assembly may direct.

## ARTICLE XIV.

*Miscellaneous.*

Section 1. No person shall be elected or appointed to any office in this State unless he possess the qualifications of an elector.

Sec. 2. Lotteries, and the sale of lottery tickets for any purpose whatever, are prohibited, and the General Assembly shall prevent the same by penal laws.

Sec. 3. The State Library shall be subject to such regulations as the General Assembly may prescribe.

Sec. 4. The General Assembly may direct by law in what manner claims against the State may be established and adjusted.

Sec. 5. Divorces from the bands of matrimony shall not be allowed but by the judgment of a court, as shall be prescribed by law.

Sec. 6. No person who denies the existence of the Supreme Being shall hold any office under this Constitution.

Sec. 7. The printing of the laws, journals, bills, legislative documents and papers for each branch of the General Assembly, with the printing required for the executive and other departments of the State, shall be let on contract in such manner as shall be prescribed by law.

Sec. 8. The real and personal property of a woman held at the time of her marriage, or that which she may thereafter acquire, either by gift, grant, inheritance, devise or otherwise, shall not be subject to levy and sale for her husband's debts, but shall be held as her separate property, and may be bequeathed, devised or alienated by her the same as if she were unmarried: Provided, That no gift or grant from the husband to the wife shall be detrimental to the just claims of his creditors.

Sec. 9. The General Assembly shall provide for the removal of all causes which may be pending when this Constitution goes into effect to courts created by the same.

Sec. 10. The election for all State officers shall take place at the same time as is provided for that of members of the General Assembly, and the election for those officers whose terms of service are for four years shall be held at the time of each alternate general election.

## ARTICLE XV.

*Amendment and Revision of the Constitution.*

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives. If the same be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on the journals respectively, with the yeas and nays taken thereon; and the same shall be submitted to the qualified electors of the State, at the next general election thereafter for Representatives; and if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote in favor of such amendment or amendments, and two-thirds of each branch of the next General Assembly shall, after such an election, and before another, ratify the same amendment or amendments, by yeas and nays, the same shall become part of the Constitution: Provided, That such amendment or amendments shall have been read three times, on three several days, in each house.

Sec. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

Sec. 3. Whenever two-thirds of the members elected to each branch of the General Assembly shall think it necessary to call a Convention to revise, amend or change this Constitution, they shall recommend to the electors to vote at the next election for Representatives for or against a Convention; and if a majority of all the electors voting at said election shall have voted for a Convention, the General Assembly shall, at their next session, provide by law for calling the same; and such Convention shall consist of a number of members not less than that of the most numerous branch of the General Assembly.

## AMENDMENT TO ARTICLE XVI.

To the end that the public debt of South Carolina may not hereafter be increased without the due consideration and free consent of the people of the State, the General Assembly is hereby forbidden to create any further debt or obligation, either by the loan of the credit of the State, by guaranty, indorsement or otherwise, except for the ordinary and current business of the State, without first submitting the question as to the crea-



tion of any such new debt, guaranty, indorsement or loan of its credit to the people of this State at a general State election; and unless two-thirds of the qualified electors of this State, voting on the question, shall be in favor of a further debt, guaranty, indorsement or loan of its credit, none shall be created or made. (Ratified January, 1873.)

**AMENDMENT TO ARTICLE II, SECTION 11.**

Strike out all that portion of section 11, article II, following the words "eighteen hundred and seventy," occurring in the fourth and fifth lines, and insert the following: "And forever thereafter on the first Tuesday following the first Monday in November in every second year, in such manner and in such place as the Legislature may provide." (Ratified January, 1873.)

**AMENDMENT TO ARTICLE III, SECTION 23.**

Strike out of section 23 of article III the word "four," occurring in the third line, and insert the word "two," so that the section of the Constitution will read, when amended, as follows:

"Sec. 23. There shall be elected by the qualified voters of the State a Comptroller-General, Secretary of State, Treasurer, Attorney-General, Adjutant and Inspector-General, and Superintendent of Education, who shall hold their respective offices for the term of two years, and whose duties and compensation shall be prescribed by law." (Ratified March 4, 1875.)

**AMENDMENT TO ARTICLE II, SECTION 3.**

That section 3 of article II of the Constitution of the State be amended by striking out the words "White Water river," in the fifth line of said section, and inserting in the place thereof the words "Toxaway river." (Ratified March 10, 1875.)

**AMENDMENT TO ARTICLE X, SECTION 5.**

"The boards of county commissioners of the several counties shall levy an annual tax of not less than two mills on the dollar of all the taxable property in their respective counties, which levy shall not be increased unless by special enactment of the General Assembly, for the support of the public schools in their respective counties, which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the county treasuries of the respective

counties, and paid out exclusively for the support of the public schools, as provided by law. There shall be assessed on all taxable polls in the State an annual tax of one dollar on each poll, the proceeds of which tax shall be applied solely to educational purposes: Provided, That no person shall ever be deprived of the right of suffrage for the non-payment of such tax. No other poll or capitation tax shall be levied in this State, nor shall the amount assessed on each poll exceed the limit given in this section. The school tax shall be distributed among the several school districts of the counties in proportion to the respective number of pupils attending the public schools. No religious sect or sects shall have exclusive right to or control of any part of the school funds of the State, nor shall sectarian principles be taught in the public schools." (Ratified January 22, 1878.)

#### AMENDMENT TO ARTICLE II, SECTION 32.

"That section 32, article II, of the Constitution of this State be and is hereby stricken out and the following inserted in lieu thereof:

"The General Assembly shall enact such laws as will exempt from attachment and sale under any mesne or final process issued from any court to the head of any family residing in this State a homestead in lands, whether held in fee or any lesser estate, not to exceed in value \$1,000, with the yearly products thereof; and every head of a family residing in this State, whether entitled to a homestead exemption in lands or not, personal property not to exceed in value the sum of \$500: Provided, That in case any woman having a separate estate shall be married to the head of a family who has not of his own sufficient property to constitute a homestead as hereinbefore provided, said married woman shall be entitled to a like exemption as provided for the head of a family: Provided, further, That there shall not be an allowance of more than \$1,000 worth of real estate and more than \$500 worth of personal property to the husband and wife jointly: Provided, That no property shall be exempt from attachment, levy or sale for taxes, or for payment of obligations contracted for the purchase of said homestead or the erection of improvements thereon: Provided, further, That the yearly products of said homestead shall not be exempt from attachment, levy or sale for the payment of obligations contracted in the production of

the same. It shall be the duty of the General Assembly at their first session to enforce the provisions of this section by suitable legislation." (Ratified December 11, 1880.)

AMENDMENT TO ARTICLE II, SECTION 11.

That section 11, article II, of the Constitution of this State, as amended, be, and the same is hereby, stricken out and the following inserted in lieu thereof:

"The general election for Senators and Representatives shall be held in every second year, in such manner, at such time and at such places as the Legislature may provide." (Ratified December 21, 1882.)

AMENDMENT TO ARTICLE VIII, SECTION 8.

That section 8, article VIII, of the Constitution be amended by inserting therein, after the word "murder," the following words: "burglary, larceny, perjury, forgery or any other infamous crime," so that the section, when amended, shall read as follows:

"Sec. 8. The General Assembly shall never pass any law that will deprive any of the citizens of this State of the right of suffrage, except for treason, murder, burglary, larceny, perjury, forgery or any other infamous crime, or dueling, whereof the person shall have been duly tried and convicted." (Ratified December 21, 1882.)



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CONSTITUTION  
OF THE  
STATE OF SOUTH DAKOTA.

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# CONSTITUTION OF THE STATE OF SOUTH DAKOTA.

## ARTICLE I.

### *Name—Boundary.*

#### Section

1. The name of the State shall be South Dakota.
2. The boundaries.

## ARTICLE II.

### *Division of the Powers of Government.*

1. The Executive, Legislative and Judicial.

## ARTICLE III.

### *Legislative Department.*

1. The legislative power is vested in the Legislature.
2. There shall be not less than seventy-five nor more than one hundred and thirty-five Representatives, and the number of Senators shall not be less than twenty-five nor more than forty-five.—The sessions shall be biennially.
3. To be eligible to the office of Senator.—To be eligible to the office of Representative.—Those who are not eligible to the Legislature.
4. Bribery and perjury debar from holding office.
5. The census shall be taken in 1895 and every ten years thereafter.
6. The term of office of members of the Legislature.—Their pay and mileage.—Each regular session shall not exceed sixty days.
7. The place and time of the first meeting of the Legislature.
8. They must take the oath or affirmation.
9. Each house shall be the judge of the election and qualification of its own members.

#### Section

10. The Governor to issue writs of election to fill vacancies.
11. Members of the Legislature to be privileged from arrest.
12. They may not hold any civil office in the State during their term.
13. Each house shall keep a journal.
14. On all elections made by the Legislature the vote shall be viva voce.
15. The sessions of each house shall be open, except.
16. They may not adjourn for more than three days.
17. Every bill to be read three times.
18. The enacting clause of a law shall be.
19. The presiding officer of each house shall sign all bills.
20. A bill may originate in either house.
21. No law shall embrace more than one subject.
22. No act shall take effect until ninety days after the adjournment, etc.
23. Private and special laws may not be enacted in the following cases.
24. The indebtedness or liability of any corporation or individual may not be released.
25. Lotteries illegal.
26. Municipal improvements may not be interfered with by the Legislature.
27. Suits may be brought against the State.
28. Bribery shall be punished as provided by law.

ARTICLE IV.

*Executive Department.*

Section

1. Executive power is vested in the Governor.—A Lieutenant-Governor shall be elected at the same time and for the same term.
2. To be eligible for the office of either.
3. Their manner of selection.—In case of tie.
4. The Governor shall be commander-in-chief of militia.
5. He shall grant pardons and reprieves.
6. When his duties shall devolve upon the Lieutenant-Governor.
7. The Lieutenant-Governor shall be president of the Senate and shall have a casting vote therein.
8. Vacancies to be filled by the Governor.
9. Every bill to be signed by the Governor.
10. He may disapprove of any item or items.
11. If he accepts a bribe.
12. Other State officers which are to be chosen by qualified electors.
13. Their powers and duties.

ARTICLE V.

*Judiciary.*

1. The judicial powers of the State shall be vested in a Supreme, Circuit, County Court, etc.
2. The Supreme Court.—Its jurisdiction.
3. Its powers.
4. There shall be at least two terms of the same.
5. It shall consist of two judges.
6. The number of judges and districts may be increased.
7. A majority necessary to form a quorum.
8. Their term of office shall be four years for those elected at the first election.—Afterwards it shall be six years.

Section

9. The presiding judge to be selected.
10. To be eligible to the office of judge of said court.
11. Until otherwise provided, the districts from which said judges shall be elected are as follows.
12. Other officers of the Supreme Court.—Their pay and term of office.
13. The Governor shall have the authority to require opinions of judges of the Supreme Court.
14. Circuit Courts.—Their jurisdiction.
15. The State shall be divided into judicial circuits.
16. Said circuits shall be as follows.
17. The number of judicial circuits and judges may be increased.
18. Writs of error and appeal may be allowed.
19. County courts and judges.
20. They shall be courts of record.—Their jurisdiction.
21. They shall have jurisdiction in certain cases.
22. Justices of the peace.—Their jurisdiction.
23. Police magistrates.—Their jurisdiction.
24. The State's Attorney.—His duties and compensation.
25. To be eligible to the office of judge of Circuit and County Courts.
26. Judges of the Supreme, Circuit and County Courts.—When chosen and elected.
27. The time of holding courts within the said judicial circuits and counties shall be provided by law.
28. Special terms of said courts may be held.
29. Judges of Circuit Courts may hold court in other circuits than their own.
30. The salary of judges of the Supreme, Circuit and County Courts.



Section

21. They may not act as attorneys-at-law.
22. Clerk of the Circuit and County Court.—His election, duties and compensation.
23. The terms of the courts to be fixed by the judges thereof until otherwise provided for by law.
24. All laws relating to courts shall be general and of uniform operation.
25. No judge shall be eligible to any other than a judicial office.
26. All judges and other officers of the Supreme, Circuit and County Courts shall hold their office until their successors are qualified.
27. All officers provided for in this article shall reside in the district from which they are elected.
28. The style of all process shall be.

ARTICLE VI.

*Bill of Rights.*

1. All men are born equally free and have certain inherent rights.
2. No person shall be deprived of life, liberty or property without due process of law.
3. Freedom of religious worship and thought.—No sectarian institution shall be supported by the State.
4. The people have the right to assemble peacefully to consult for the common good.
5. Freedom of speech.—In trials for libel the truth may be given in evidence.
6. The right of trial by jury shall remain inviolate.
7. The rights of those accused in criminal prosecution.
8. Bail shall be accepted except for capital offenses.
9. No person put in jeopardy twice for the same offense.
10. No person shall be held for criminal offense unless on the

Section

- presentment or indictment by the grand jury, etc.
11. Unreasonable searches and seizures forbidden.
12. No ex post facto law.
13. Private property shall not be taken for public use without just compensation.
14. Resident aliens shall have the same rights as citizens in regard to property.
15. No person shall be imprisoned for debt.
16. The military subordinate to the civil power.—Quartering of soldiers.
17. Taxes to be by the consent of the people.
18. No special privileges or immunities shall be granted.
19. Elections shall be free and equal.
20. All courts shall be open and justice shall be had without denial or delay.
21. The Legislature alone may suspend the laws.
22. No person shall be attainted of treason or felony by the Legislature.
23. Excessive bail or excessive fines shall not be required nor cruel punishments inflicted.
24. The right of citizens to bear arms.
25. Treason against the State defined.
26. All political power is inherent in the people.
27. The blessings of a free government maintained by a firm adherence to justice, moderation, temperance, frugality and virtue.

ARTICLE VII.

*Elections and Right of Suffrage.*

1. Qualifications for voting.
2. Shall the word "male" be stricken from the article of the Constitution relating to election and right of suffrage.
3. All votes shall be taken by ballot.

## Section

4. General elections shall be biennial.
5. Electors to be privileged from arrest.
6. They shall not be deemed to have lost residence by reason of absence on business of the United States or this State.
7. Soldiers of the United States shall not gain a residence in consequence of being stationed in this State.
8. Those who may not be qualified to vote.
9. Women having the qualifications enumerated in section one may vote in school elections.

## ARTICLE VIII.

*Education and School Lands.*

1. Uniform system of public schools to be maintained.
2. The proceeds of the sale of public lands to be used for the public schools.
3. The interest and income of this fund together with all net proceeds of fines shall be applied to school funds.
4. Lands granted by the United States for the use of public schools may be sold upon the following conditions and no other.
5. No land shall be sold for less than ten dollars an acre.—Terms of sale.
6. All sales shall be conducted through the office of the commissioner of schools and public lands.
7. The public school fund shall be perpetual.—It may be increased, but never diminished.
8. All lands mentioned in the preceding section shall be appraised and sold in the same manner as the public lands.
9. In regard to the leasing of lands mentioned in this article.
10. The law in regard to "Squatters."

## Section

11. The permanent school fund shall be invested only in first mortgages, etc.
12. The Governor may disapprove any sale, etc.
13. In regard to defalcation of the public school fund.
14. School lands to be protected from trespasses.
15. School corporations may levy additional taxes.
16. Sectarian schools shall not receive State aid.
17. No teacher or officer shall be interested in the sale of books, etc.

## ARTICLE IX.

*County and Township Organization.*

1. The Legislature shall provide by general law for organizing new counties, etc.
2. Location of the county seat.
3. It may be changed.
4. Counties may be organized into townships.
5. County officers to be elected every two years.
6. The Legislature shall provide by law for county, township and district officers.
7. They shall be electors.

## ARTICLE X.

*Municipal Corporations.*

1. They shall be provided for by general law.
2. In regard to the assessment and levying of taxes.
3. Street railway, telegraph or telephone companies must have the consent of the local authorities.

## ARTICLE XI.

*Revenue and Finance.*

1. The estimated expenses of the State shall be provided for by taxation.
2. All taxes on real and personal property shall be uniform.
3. The power to tax corporation property shall not be surrendered.

Section

4. Moneys, credits and investments, etc., to be taxed.
5. Property exempt from taxation.
6. Other property exempt from taxation.
7. Laws exempting property from taxation other than those in sections 5 and 6 of this article, shall be void.
8. No tax shall be levied except in pursuance of law.
9. State taxes shall be paid into the State treasury.
10. The corporate authority of towns, cities and villages shall have the power to make local improvements by taxation.
11. The making of profit out of public money shall be deemed a felony.
12. A statement of receipts and expenditures of public moneys shall be published yearly.

ARTICLE XII.

*Public Accounts and Expenditures.*

1. No money shall be paid out of the treasury except upon appropriation.
2. Appropriation bills shall embrace nothing but appropriations.
3. Extra compensation shall not be granted to any public officer, etc.
4. An itemized statement of all receipts and expenditures of public moneys shall be published annually.

ARTICLE XIII.

*Public Indebtedness.*

1. Neither the State, nor any of its subdivisions, shall loan or give its credit.
2. The State may contract debts not to exceed \$100,000.
3. Indebtedness of the State limited by section 2 shall be in addition to the debt of the Territory, assumed and paid by the State.

Section

4. The debt of any subdivision of the State shall never exceed five per cent upon the valuation of taxable property therein.
5. Any subdivision of the State, before incurring indebtedness, shall provide for the collection of an annual tax, etc.
6. In regard to the payment of debts and liabilities contracted by and in behalf of the Territory of Dakota, etc.
7. The State of South Dakota hereby obligates itself, etc.
8. Refunding bonds may be issued to the amount of \$107,500, bearing interest at four per cent, etc.

ARTICLE XIV.

*State Institutions.*

1. The charitable and penal institutions of the State.
2. They shall be under the control of the State.
3. State educational institutions.
4. Board of trustees shall hold their office for five years.

ARTICLE XV.

*Militia.*

1. Those eligible for the militia.
2. They shall be uniformed, equipped and disciplined.
3. In organizing the militia, it shall conform as nearly as possible to the armies of the United States.
4. Militia officers shall be commissioned by the Governor.
5. Except in certain cases, the militia shall be privileged from arrest.
6. Military records, banners, etc., shall be preserved in the office of the Adjutant-General.
7. No person having conscientious scruples against bearing arms shall be compelled to do military duty in time of peace.

## ARTICLE XVI.

*Impeachment and Removal from Office.*

## Section

1. The sole power of impeachment is in the House of Representatives.
2. Shall be tried by the Senate.
3. Which officers are liable to impeachment.
4. Other officers subject to removal.
5. May not exercise the duties of office after impeachment.
6. On trial of impeachment against the Governor, the Lieutenant-Governor shall not act as a member of the court.
7. To be served with a copy of impeachment at least twenty days before trial.
8. No person liable to impeachment twice for the same offense.

## ARTICLE XVII.

*Corporations.*

1. The Legislature shall provide by general laws for the organization of corporations.
2. All existing charters under which organization shall not have taken place at the time this Constitution takes effect, shall be valid.
3. The Legislature shall not remit the forfeiture of the charter of any corporation now existing.
4. The right of eminent domain.
5. In all elections for directors or managers of corporations, each shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more.
6. Corporations to do business in this State must have one or more places of business.
7. No corporation shall engage in any business other than that authorized in its charter.
8. In regard to the right of corporations to issue stocks or bonds.
9. The Legislature shall have the

## Section

- power to alter, revise or annul the charter of any corporation now existing.
10. The right to construct or operate a street railroad within any city, town or incorporated village, to be granted by the local authorities.
  11. Telegraph companies may construct and maintain lines and connect with other lines within the State.—They may not consolidate with competing lines.
  12. Railroads doing business within this State shall maintain a public office within the State.—The directors of every railroad corporation shall make an annual report.
  13. The rolling stock and other movable property of railroads shall be considered personal property.
  14. No railroad corporation shall consolidate with any parallel or competing line.
  15. Railroads are declared public highways and railroad companies common carriers.
  16. Railroads may connect with other roads.
  17. Laws shall be passed to correct abuses and prevent extortion in the rates of freight and passenger tariffs.
  18. Private property taken for public use shall have just compensation.
  19. The term corporation defined.

## ARTICLE XVIII.

*Banking and Currency.*

1. If a general banking law shall be enacted, etc.
2. Every banking company shall cease all banking operations within twenty years.
3. The stockholders shall be held individually responsible for the debts of the bank.

ARTICLE XIX.

*Congressional and Legislative Apportionment.*

Section

1. Until otherwise provided by law, the United States representatives shall be elected by the State at large.
2. The senatorial and representative districts shall be as follows.

ARTICLE XX.

*Seat of Government.*

1. The location of a temporary seat of government.
2. A temporary seat of government shall be provided for.
3. In case of tie in choice of seat of government.

ARTICLE XXI.

*Miscellaneous.*

1. The seal and coat of arms of the State.
2. Compensation of public officers.
3. Oath of office.
4. Exemptions.
5. Rights of married women.

ARTICLE XXII.

*The Compact With the United States.*

1. The compact.

ARTICLE XXIII.

*Amendments and Revision of the Constitution.*

1. Amendments may be proposed from either house.
2. The Constitution may be revised.

ARTICLE XXIV.

*Prohibition.*

1. To be voted on.

ARTICLE XXV.

*Minority Representation.*

1. The House of Representatives shall consist of three times the number of the members of the

Section

Senate.—Term of office two years.

2. The manner of voting for the same.

ARTICLE XXVI.

*Schedule and Ordinance.*

1. In order to avoid inconvenience by a change from a Territorial to State government.
2. All moneys accruing to the Territory shall accrue to the State.
3. All bond obligations and other undertakings, undertaken before this Constitution, shall remain valid.
4. All officers holding office under the Territory shall continue.
5. This Constitution shall be submitted to the electors.
6. The temporary seat of government shall be determined on.
7. The election provided for herein shall be under the provisions of the Constitution herewith submitted.
8. The votes to be counted after election and the return to be certified to.
9. Within five days after election the results of the elections shall be canvassed.
10. When two or more counties are connected in one senatorial or representative district, clerks and auditors have certain duties to perform.
11. The Secretary of the Territory shall receive all returns.
12. The apportionment made in this Constitution shall govern the election.
13. When the Legislature elected under the provisions of this Constitution shall assemble.
14. The oath of office to be taken, and the election of two United States Senators shall be made.
15. After their election the Legislature shall adjourn.
16. In regard to what is contained in the Constitution and schedule.

## Section

- 17. The ordinances and schedule are held to be valid.
- 18. That we, the people of South Dakota, do ordain, etc.
- 19. The tenure of officers elected as provided for in this schedule.
- 20. When the first general election under the provisions of this Constitution shall be held.

## Section

- 21. The form of ballot.
- 22. The Constitution, after being signed by the convention, etc.
- 23. The agreement made by the joint commission of the constitutional conventions of North and South Dakota in regard to the Territory, is ratified and confirmed.

## PREAMBLE.

We, the people of South Dakota, grateful to Almighty God for our civil and religious liberties, in order to form a more perfect and independent government, establish justice, insure tranquillity, provide for the common defense, promote the general welfare and preserve to ourselves and to our posterity the blessings of liberty, do ordain and establish this Constitution for the State of South Dakota.

## ARTICLE I

*Name and Boundary.*

Section 1. The name of the State shall be South Dakota.

Sec. 2. The boundaries of the State of South Dakota shall be as follows: Beginning at the point of intersection of the western boundary line of the State of Minnesota with the northern boundary line of the State of Iowa, and running thence northerly along the western boundary line of the State of Minnesota to its intersection with the seventh standard parallel; thence west on the line of the seventh standard parallel produced due west to its intersection with the twenty-seventh meridian of longitude west from Washington; thence south on the twenty-seventh meridian of longitude west from Washington to its intersection with the northern boundary line of the State of Nebraska; thence easterly along the northern boundary line of the State of Nebraska to its intersection with the western boundary line of the State of Iowa; thence northerly along the western boundary line of the State of Iowa to its intersection with the northern boundary line of the State of Iowa; thence east along the northern boundary line of the State of Iowa to the place of beginning.

## ARTICLE II.

*Division of the Powers of Government.*

The powers of the government of the State are divided into three distinct departments—the legislative, executive and judicial; and the powers and duties of each are prescribed by this Constitution.

## ARTICLE III.

*Legislative Department.*

Section 1. The legislative power shall be vested in a Legislature, which shall consist of a Senate and House of Representatives.

Sec. 2. The number of members of the House of Representatives shall not be less than seventy-five, nor more than one hundred and thirty-five. The number of members of the Senate shall not be less than twenty-five, nor more than forty-five.

The sessions of the Legislature shall be biennial, except as otherwise provided in this Constitution.

Sec. 3. No person shall be eligible to the office of Senator who is not a qualified elector in the district from which he may be chosen, and a citizen of the United States, and who shall not have attained the age of twenty-five years, and who shall not have been a resident of the State or Territory for two years next preceding his election.

No person shall be eligible to the office of Representative who is not a qualified elector in the district from which he may be chosen, and a citizen of the United States, and who shall not have been a resident of the State or Territory for two years next preceding his election, and who shall not have attained the age of twenty-five years.

No judge or clerk of any court, Secretary of State, Attorney-General, State's Attorney, recorder, sheriff or collector of public moneys, member of either house of Congress, or person holding any lucrative office under the United States or this State, or any foreign government, shall be a member of the Legislature: Provided, That appointments in the militia, the offices of notary public and justice of the peace shall not be considered lucrative; nor shall any person holding any office of honor or profit under any foreign government or under the government of the United

States, except postmasters whose annual compensation does not exceed the sum of three hundred dollars, hold any office in either branch of the Legislature or become a member thereof.

Sec. 4. No person who has been, or hereafter shall be, convicted of bribery, perjury or other infamous crime, nor any person who has been, or may be collector or holder of public moneys who shall have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the Legislature or to any office in either branch thereof.

Sec. 5. The Legislature shall provide by law for the enumeration of the inhabitants of the State in the year one thousand eight hundred and ninety-five and every ten years thereafter, and at its regular session after each enumeration, and also after each enumeration made by authority of the United States, but at no other time, the Legislature shall apportion the Senators and Representatives according to the number of inhabitants, excluding Indians not taxed and soldiers and officers of the United States army and navy: Provided, That the Legislature may make an apportionment at its first session after the admission of South Dakota as a State.

Sec. 6. The terms of the office of the members of the Legislature shall be two years; they shall receive for their services the sum of five dollars for each day's attendance during the session of the Legislature; and five cents for every mile of necessary travel in going to and returning from the place of meeting of the Legislature on the most usual route.

Each regular session of the Legislature shall not exceed sixty days, except in cases of impeachment, and members of the Legislature shall receive no other pay or perquisites except per diem and mileage.

Sec. 7. The Legislature shall meet at the seat of government on the first Tuesday after the first Monday of January at twelve o'clock M., in the year next ensuing the election of members thereof, and at no other time except as provided by this Constitution.

Sec. 8. Members of the Legislature and officers thereof, before they enter upon their official duties, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of South Dakota, and will faithfully dis-



charge the duties of (Senator, Representative or officer) according to the best of my abilities, and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept or receive directly or indirectly, any money, pass or any other valuable thing, from any corporation, company or person for any vote or influence I may give or withhold on any bill or resolution, or appropriation, or for any other official act.

This oath shall be administered by a judge of the Supreme or Circuit Court, or the presiding officer of either house, in the hall of the house to which the member or officer is elected, and the Secretary of State shall record and file the oath subscribed by each member and officer.

Any member or officer of the Legislature who shall refuse to take the oath herein prescribed shall forfeit his office.

Any member or officer of the Legislature who shall be convicted of having sworn falsely to, or violated his said oath, shall forfeit his office, and be disqualified thereafter from holding the office of Senator or member of the House of Representatives, or any office within the gift of the Legislature.

Sec. 9. Each house shall be the judge of the election returns and qualifications of its own members.

A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such a manner and under such penalty as each house may provide.

Each house shall determine the rules of its proceedings, shall choose its own officers and employees and fix the pay thereof, except as otherwise provided in this Constitution.

Sec. 10. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature.

Sec. 11. Senators and Representatives shall, in all cases except treason, felony or breach of peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same; and for words used in any speech or debate in either house, they shall not be questioned in any other place.

Sec. 12. No member of the Legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the State which shall have been created or the emolu-

Sec. 25. The Legislature shall not authorize any game of chance, lottery or gift enterprise, under any pretense or for any purpose whatever.

Sec. 26. The Legislature shall not delegate to any special commission, private corporation, or association, any power to money, property, effects, whether held in trust or otherwise, or levy taxes, or to select a capital site, or to perform any municipal functions whatever.

Sec. 27. The Legislature shall direct by law in what manner and in what courts suits may be brought against the State.

Sec. 28. Any person who shall give, demand, offer, directly or indirectly, any money, testimonial, privilege or personal advantage, thing of value to any executive or judicial officer or member of the Legislature, to influence him in the performance of any of his official or public duties, shall be guilty of bribery, and shall be punished in such manner as shall be provided by law.

The offense or corrupt solicitation of members of the Legislature, or of public officers of the State, or any municipal division thereof, and any effort toward solicitation of said members of the Legislature or officers to influence their official action shall be defined by law, and shall be punishable by fine and imprisonment.

Any person may be compelled to testify in investigation or judicial proceedings against any person charged with having committed any offense of bribery or corrupt solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, but said testimony shall not afterwards be used against him in any judicial proceeding except for bribery in giving such testimony, and any person convicted of either of the offenses aforesaid shall be disqualified from holding any office or position or office of trust or profit in this State.

#### ARTICLE IV.

##### *Executive Department.*

Section 1. The executive power shall be vested in a Governor who shall hold his office two years. A Lieutenant-Governor shall be elected at the same time and for the same term.

Sec. 2. No person shall be eligible to the office of Governor or Lieutenant-Governor except a citizen of the United States,

and a qualified elector of the State, who shall have attained the age of thirty years, and who shall have resided two years next preceding the election within the State or Territory; nor shall he be eligible to any other office during the term for which he shall have been elected.

Sec. 3. The Governor and Lieutenant-Governor shall be elected by the qualified electors of the State at the time and places of choosing members of the Legislature. The persons respectively having the highest number of votes for Governor and Lieutenant-Governor shall be elected; but if two or more shall have an equal and highest number of votes for Governor or Lieutenant-Governor, the two houses of the Legislature at its next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for Governor and Lieutenant-Governor shall be made in such manner as shall be prescribed by law.

Sec. 4. The Governor shall be commander-in-chief of the military and naval forces of the State, except when they shall be called into the service of the United States, and may call out the same to execute laws, suppress insurrection and repel invasion. He shall have power to convene the Legislature on extraordinary occasions. He shall, at the commencement of each session, communicate to the Legislature by message, information of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws be faithfully executed.

Sec. 5. The Governor shall have the power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment: Provided, That in all cases where the sentence of the court is capital punishment, imprisonment for life, or for a longer term than two years, or a fine exceeding two hundred dollars, no pardon shall be granted, sentence commuted or fine remitted, except upon the recommendation in writing of a board of pardons, consisting of the presiding judge, Secretary of State and Attorney-General, after a full hearing in open session, and such recommendation, with the reasons therefor,

shall be filed in the office of the Secretary of State, but the Legislature may by law in all cases regulate the manner in which the remission of fines, pardons, commutations and reprieves, may be applied for. Upon conviction for treason he shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next regular session, when the Legislature shall either pardon or commute the sentence, direct the execution of the sentence or grant a further reprieve. He shall communicate to the Legislature at each regular session each case of remission of fine, reprieve, commutation or pardon, granted by him in the cases in which he is authorized to act without the recommendation of the said board of pardons, stating the name of the convict, the crime of which he is convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve, with his reasons for granting the same.

Sec. 6. In case of death, impeachment, resignation, failure to qualify, absence from the State, removal from office or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant-Governor.

Sec. 7. The Lieutenant-Governor shall be president of the Senate, but shall have only a casting vote therein. If during a vacancy in the office of Governor the Lieutenant-Governor shall be impeached, displaced, resign or die, or from mental or physical disease or otherwise become incapable of performing the duties of his office, the Secretary of State shall act as Governor until the vacancy shall be filled or the disability removed.

Sec. 8. When any office shall, from any cause, become vacant and no mode is provided by the Constitution or law for filling such vacancy, the Governor shall have the power to fill such vacancy by appointment.

Sec. 9. Every bill which shall have passed the Legislature, shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it ; but if not, he shall return it with his objection to the house in which it originated, which shall enter the objection at large upon the journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objection, to the other house, by which it

shall likewise be reconsidered, and if it be approved by two-thirds of the members present, it shall become a law ; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each house respectively. If any bill shall (not) be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law, unless the Legislature shall, by its adjournment, prevent its return, in which case it shall be filed, with his objection, in the office of the Secretary of State within ten days after such adjournment, or become a law.

Sec. 10. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in the following manner: If the Legislature be in session he shall transmit to the house in which the bill originated, a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

Sec. 11. Any Governor of this State who asks, receives, or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives or offers, or promises his official influence in consideration that any member of the Legislature shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power or who offers or promises any member that he, the said Governor, will appoint any particular person or persons to any office created or thereafter to be created in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said Legislature or who threatens any member that he, the said Governor, will remove any person or persons from any office or position with intent to in any manner influence the official action of said member, shall be punished in the

in manner now, or that may hereafter be, provided by law, and upon conviction thereof, shall forfeit all right to hold or exercise any office of trust or honor in this State.

Sec. 12. There shall be chosen by the qualified electors of the State, at the time and places of choosing members of the Legislature, a Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, commissioner of school and public lands, and an Attorney-General, who shall severally hold their offices for the term of two years, but no person shall be eligible to the office of Treasurer for more than two terms consecutively. They shall respectively keep their offices at the seat of government.

Sec. 13. The powers and duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, commissioner of school and public lands and Attorney-General shall be as prescribed by law.

## ARTICLE V.

### *Judicial Department.*

Section 1. The judicial powers of the State, except as in this Constitution otherwise provided, shall be vested in a Supreme Court, Circuit Courts, County Courts, and justices of the peace, and such other courts as may be created by law for cities and incorporated towns.

Sec. 2. The Supreme Court, except as otherwise provided in this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, and shall have a general superintending control over all inferior courts under such regulations and limitations as may be prescribed by law.

Sec. 3. The Supreme Court and the judges thereof shall have power to issue writs of habeas corpus. The Supreme Court shall also have power to issue writs of mandamus, quo warranto, certiorari, injunction, and other original and remedial writs, with authority to hear and determine the same in such cases and under such regulations as may be prescribed by law: Provided, however, That no jury trials shall be allowed in said Supreme Court, but in proper cases questions of fact may be sent by said court to a Circuit Court for trial before a jury.

Sec. 4. At least two terms of the Supreme Court shall be held each year at the seat of government.

Sec. 5. The Supreme Court shall consist of three judges, to be chosen from districts by qualified electors of the State at large, as hereinafter provided.

Sec. 6. The number of said judges and districts may, after five years from the admission of this State under this Constitution be increased by law to not exceeding five.

Sec. 7. A majority of the judges of the Supreme Court shall be necessary to form a quorum or to pronounce a decision, but one or more of said judges may adjourn the court from day to day, or to a day certain.

Sec. 8. The term of the judges of the Supreme Court who shall be elected at the first election under this Constitution shall be four years. At all subsequent elections the term of said judges shall be six years.

Sec. 9. The judges of the Supreme Court shall by rule select from their number a presiding judge, who shall act as such for the term prescribed by such rule.

Sec. 10. No person shall be eligible to the office of judge of the Supreme Court unless he be learned in the law, be at least thirty years of age, a citizen of the United States, nor unless he shall have resided in this State or territory at least two years next preceding his election, and at the time of his election be a resident of the district from which he is elected; but for the purpose of re-election, no such judge shall be deemed to have lost his residence in the district by reason of his removal to the seat of government in the discharge of his official duties.

Sec. 11. Until otherwise provided by law, the districts from which the said judges of the Supreme Court shall be elected shall be constituted as follows:

First District—All that portion of the State lying west of the Missouri river.

Second District—All that portion of the State lying east of the Missouri river and south of the second standard parallel.

Third District—All that portion of the State lying east of the Missouri river and north of the second standard parallel.

Sec. 12. There shall be a clerk and also a reporter of the Supreme Court, who shall be appointed by the judges thereof and who shall hold office during the pleasure of said judges, and whose duties and emoluments shall be prescribed by law, and

by the rules of the Supreme Court not inconsistent with law. The Legislature shall make provisions for the publication and distribution of the decisions of the Supreme Court, and for the sale of the published volumes thereof. No private person or corporation shall be allowed to secure any copyright to such decisions, but if any copyrights are secured they shall inure wholly to the benefit of the State.

Sec. 13. The Governor shall have authority to require the opinions of the judges of the Supreme Court upon important questions of law involved in the exercise of his executive powers and upon solemn occasions.

*Circuit Courts.*

Sec. 14. The Circuit Courts have original jurisdiction of all actions and cases, both at law and in equity, and such appellate jurisdiction as may be conferred by law and consistent with this Constitution ; such jurisdiction as to value and amount and grade of offenses may be limited by law. They and the judges thereof shall also have jurisdiction and power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction, and other original and remedial writs, with authority to hear and determine the same.

Sec. 15. The State shall be divided into judicial circuits, in each of which there shall be elected by the electors thereof one judge of the Circuit Court therein, whose term of office shall be four years.

Sec. 16. Until otherwise ordered by law, said circuits shall be eight in number and constituted as follows, viz.:

First Circuit—The counties of Union, Clay, Yankton, Turner, Bon Homme, Hutchinson, Charles Mix, Douglas, Todd, Gregory, Tripp and Meyer.

Second Circuit—The counties of Lincoln, Minnehaha, McCook, Moody and Lake.

Third Circuit—The counties of Bookings, Kingsbury, Deuel, Hamlin, Codington, Clark, Grant, Roberts, Day, and the Wahpeton and Sisseton reservation, except such portion of said reservation as lies in Marshall county.

Fourth Circuit—The counties of Sanborn, Davison, Aurora, Brule, Buffalo, Jerauld, Hanson, Miner, Lyman, Presho, and Pratt.



**Fifth Circuit**—The counties of Beadle, Spink, Brown and Marshall.

**Sixth Circuit**—The counties of Hand, Hyde, Hughes, Sully, Stanley, Potter, Faulk, Edmunds, Walworth, Campbell, McPherson, and all that portion of said State lying east of the Missouri river and not included in any other judicial circuit.

**Seventh Circuit**—The counties of Pennington, Custer, Fall River, Shannon, Washington, Ziebach, Sterling, Nowlin, Jackson, Washabaugh and Lugenbeel.

**Eighth Circuit**—The counties of Lawrence, Meade, Scobey, Butte, Delano, Pyatt, Dewey, Boreman, Schnasse, Rinehart, Martin, Choteau, Ewing, Harding, and all that portion of said State west of the Missouri river and north of the Big Cheyenne river and the north fork of the Cheyenne river not included in any other judicial circuit.

Sec. 17. The Legislature may, whenever two-thirds of the members of each house shall concur therein, increase the number of judicial circuits and the judges thereof, and divide the State into judicial circuits accordingly, taking care that they be formed of compact territory and be bounded by county lines; but such increase of number or change in the boundaries of districts shall not work the removal of any judge from his office during the term for which he shall have been elected or appointed.

Sec. 18. Writs of error and appeals may be allowed from the decisions of the Circuit Courts to the Supreme Court under such regulations as may be prescribed by law.

#### *County Courts.*

Sec. 19. There shall be elected in each organized county a county judge who shall be judge of the County Court of said county, whose term of office shall be two years until otherwise provided by law.

Sec. 20. County Courts shall be courts of record and shall have original jurisdiction in all matters of probate guardianship and settlement of estates of deceased persons, and such other civil and criminal jurisdiction as may be conferred by law: Provided, That such courts shall not have jurisdiction in any case where the debt, damage, claim or value of property involved shall exceed one thousand dollars except in matters of

probate, guardianship and the estates of deceased persons. Writs of error and appeal may be allowed from County to Circuit Courts, or to the Supreme Court, in such cases and in such manner as may be prescribed by law: Provided, That no appeal or writ of error shall be allowed to the Circuit Court from any judgment rendered upon an appeal from a justice of the peace or police magistrate for cities or towns.

Sec. 21. The County Court shall not have jurisdiction in cases of felony, nor shall criminal cases therein be prosecuted by indictment; but they may have such jurisdiction in criminal matters, not of the grade of felony, as the Legislature may prescribe, and the prosecutions therein may be by information or otherwise as the Legislature may provide.

*Justices of the Peace.*

Sec. 22. Justices of the peace shall have such jurisdiction as may be conferred by law, but they shall not have jurisdiction of any cause wherein the value of the property or the amount in controversy exceeds the sum of one hundred dollars, or where the boundaries or title to real property shall be called in question.

*Police Magistrate.*

Sec. 23. The Legislature shall have power to provide for creating such police magistrates for cities and towns as may be deemed, from time to time, necessary, who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively, and such police magistrates may also be constituted ex officio justices of the peace for their respective counties.

*State's Attorney.*

Sec. 24. The Legislature shall have power to provide for State's attorneys and to prescribe their duties and fix their compensation; but no person shall be eligible to the office of Attorney-General or State's Attorney who shall not at the time of his election be at least twenty-five years of age, and possess all the other qualifications for judges of Circuit Courts as prescribed in this article.

*Miscellaneous.*

Sec. 25. No person shall be eligible to the office of judge of the Circuit or County Courts, unless he be learned in the law. be

at least twenty-five years of age, and a citizen of the United States ; nor unless he shall have resided in this State or territory at least one year next preceding his election, and at the time of his election be a resident of the county or circuit, as the case may be, for which he is elected.

Sec. 26. The judges of the Supreme Court, Circuit Courts and County Courts shall be chosen at the first election held under the provisions of this Constitution, and thereafter as provided by law, and the Legislature may provide for the election of such officers on a different day from that on which an election is held for any other purpose, and may for the purpose of making such provision, extend or abridge the term of office for any of such judges then holding, but not in any case more than six months. The term of office of all judges of Circuit Courts, elected in the several judicial circuits throughout the State, shall expire on the same day.

Sec. 27. The time of holding courts within said judicial circuits and counties shall be as provided by law ; but at least one term of the Circuit Court shall be held annually in each organized county, and the Legislature shall make provision for attaching unorganized counties or territory to organized counties for judicial purposes.

Sec. 28. Special terms of said courts may be held under such regulations as may be provided by law.

Sec. 29. The judges of the Circuit Courts may hold courts in other circuits than their own, under such regulations as may be prescribed by law.

Sec. 30. The judges of the Supreme Court, Circuit Courts and County Courts shall each receive such salary as may be provided by law, consistent with this Constitution, and no such judge shall receive any compensation, perquisite or emoluments for or on account of his office in any form whatever, except such salary: Provided, That county judges may accept and receive such fees as may be allowed under the land laws of the United States.

Sec. 31. No judge of the Supreme Court or Circuit Court shall act as attorney or counselor at law, nor shall any county judge act as an attorney or counselor at law in any case which is or may be brought into his court, or which may be appealed therefrom.

Sec. 32. There shall be a clerk of the Circuit Court in each organized county who shall also be clerk of the County Court, and who shall be elected by the qualified electors of such county. The duties and compensation of said clerk shall be as provided by law and regulated by the rules of the court consistent with the provisions of law.

Sec. 33. Until the Legislature shall provide by law for fixing the terms of court, the judges of the Supreme, Circuit and County Courts respectively shall fix the terms thereof.

Sec. 34. All laws relating to courts shall be general and of uniform operation throughout the State, and the organization, jurisdiction, power, proceedings and practice of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments and decrees of such courts severally shall be uniform: Provided, however, That the Legislature may classify the County Courts according to the population of the respective counties and fix the jurisdiction and salary of the judges thereof accordingly.

Sec. 35. No judge of the Supreme or Circuit Courts shall be elected to any other than a judicial office or be eligible thereto, during the term for which he was elected such judge. All votes for either of them during such term for any elective office, except that of judge of the Supreme Court, Circuit Court or County Court, given by the Legislature or the people, shall be void.

Sec. 36. All judges or other officers of the Supreme, Circuit or County Courts provided for in this article shall hold their offices until their successors respectively are elected or appointed and qualified.

Sec. 37. All officers provided for in this article shall respectively reside in the district, county, precinct, city or town for which they may be elected or appointed. Vacancies in the elective offices provided for in this article shall be filled by appointment until the next general election as follows: All judges of the Supreme, Circuit and County Courts by the Governor. All other judicial and other officers by the county board of the counties where the vacancy occurs; in cases of police magistrates, by the municipality.

Sec. 38. All process shall run in the name of the "State of South Dakota." All prosecutions shall be carried on in the name of and by authority of the "State of South Dakota."

## ARTICLE VI.

*Bill of Rights.*

Section 1. All men are born equally free and independent, and have certain inherent rights, among which are those of enjoying and defending life and liberty, of acquiring and protecting property and the pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

Sec. 2. No person shall be deprived of life, liberty or property without due process of law.

Sec. 3. The right to worship God according to the dictates of conscience shall never be infringed. No person shall be denied any civil or political right, privilege or position on account of his religious opinions, but the liberty of conscience hereby secured shall not be so construed as to excuse licentiousness, the invasion of the rights of others, or justify practices inconsistent with the peace or safety of the State.

No person shall be compelled to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious establishment or mode of worship. No money or property of the State shall be given or appropriated for the benefit of any sectarian or religious society or institution.

Sec. 4. The right of petition, and of the people peaceably to assemble to consult for the common good and make known their opinions, shall never be abridged.

Sec. 5. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right. In all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense. The jury shall have the right to determine the fact and the law under the direction of the court.

Sec. 6. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy, but the Legislature may provide for a jury of less than twelve in any court not a court of record, and for the decision of civil cases by three-fourths of the jury in any court.

Sec. 7. In all criminal prosecutions the accused shall have the right to defend in person and by counsel; to demand the

nature and cause of the accusation against him ; to have a copy thereof ; to meet the witnesses against him face to face ; to have compulsory process served for obtaining witnesses in his behalf, and to a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Sec. 8. All persons shall be bailable by sufficient sureties, except for capital offenses when proof is evident or presumption great. The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require it.

Sec. 9. No person shall be compelled in any criminal case to give evidence against himself or be twice put in jeopardy for the same offense.

Sec. 10. No person shall be held for a criminal offense unless on the presentment or indictment of the grand jury, or information of the public prosecutor, except in cases of impeachment, in cases cognizable by County Courts, by justices of the peace, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger: Provided, That the grand jury may be modified or abolished by law.

Sec. 11. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause supported by affidavit, particularly describing the place to be searched and the person or thing to be seized.

Sec. 12. No ex post facto law, or law impairing the obligation of contracts or making any irrevocable grant of privilege, franchise or immunity shall be passed.

Sec. 13. Private property shall not be taken for public use, or damaged, without just compensation as determined by a jury, which shall be paid as soon as it can be ascertained and before possession is taken. No benefit which may accrue to the owner as a result of an improvement made by any private corporation shall be considered in fixing the compensation for property taken or damaged. The fee of land taken for railroad tracks or other highways shall remain in such owners, subject to the use for which it is taken.

Sec. 14. No distinction shall ever be made by law between resident aliens and citizens in reference to the possession, enjoyment or descent of property.

Sec. 15. No person shall be imprisoned for debt arising out of or founded upon a contract.

Sec. 16. The military shall be in strict subordination to the civil power. No soldier in time of peace shall be quartered in any house without consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 17. No tax or duty shall be imposed without the consent of the people or their representatives in the Legislature, and all taxation shall be equal and uniform.

Sec. 18. No law shall be passed granting to any citizen, class of citizens or corporation, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

Sec. 19. Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers in time of war may vote at their post of duty in or out of the State under regulations to be prescribed by the Legislature.

Sec. 20. All courts shall be open, and every man for an injury done him in his property, person or reputation, shall have remedy by due course of law, and right and justice administered without denial or delay.

Sec. 12. No power of suspending laws shall be exercised, unless by the Legislature or its authority.

Sec. 22. No person shall be attainted of treason or felony by the Legislature.

Sec. 23. Excessive bail shall not be required, excessive fines imposed, nor cruel punishments inflicted.

Sec. 24. The right of the citizens to bear arms in defense of themselves and the State shall not be denied.

Sec. 25. Treason against the State shall consist only in levying war against it, or in adhering to its enemies or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

Sec. 26. All political power is inherent in the people, and all free government is founded on their authority and is instituted for their equal protection and benefit, and they have the right in lawful and constituted methods to alter or reform their forms of government in such manner as they may think proper. And

the State of South Dakota is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

Sec. 27. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

#### ARTICLE VII.

##### *Elections and Rights of Suffrage.*

Section 1. Every male person resident of this State who shall be of the age of twenty-one years and upwards, not otherwise disqualified, belonging to either of the following classes, who shall be a qualified elector under the laws of the Territory of Dakota at the date of the ratification of this Constitution by the people, or who shall have resided in the United States one year, in this State six months, in the county thirty days, and in the election precinct where he offers his vote ten days next preceding any election, shall be deemed a qualified elector at such election:

First. Citizens of the United States.

Second. Persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States upon the subject of naturalization.

Sec. 2. The Legislature shall, at its first session after the admission of the State into the Union, submit to a vote of the electors of the State the following question to be voted upon at the next general election held thereafter, namely: "Shall the word 'male' be stricken from the article of the Constitution relating to elections and the right of suffrage?" If a majority of the votes cast upon that question are in favor of striking out said word "male," it shall be stricken out and there shall thereafter be no distinction between males and females in the exercise of the right of suffrage at any election in this State.

Sec. 3. All votes shall be by ballot, but the Legislature may provide for numbering ballots for the purpose of preventing and detecting fraud.

Sec. 4. All general elections shall be biennial.

Sec. 5. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning from the



same. And no elector shall be obliged to do military duty on the days of election except in time of war or public danger.

Sec. 6. No elector shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State, or in the military or naval service of the United States.

Sec. 7. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed therein.

Sec. 8. No person under guardianship, non compos mentis or insane, shall be qualified to vote at any election, nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights.

Sec. 9. Any woman having the qualifications enumerated in section 1 of this article, as to age, residence and citizenship, and including those now qualified by the laws of the Territory, may vote at an election held solely for school purposes, and may hold any office in this State except as otherwise provided in this Constitution.

#### ARTICLE VIII.

##### *Education and School Lands.*

Section 1. The stability of a republican form of government depending on the morality and intelligence of the people, it shall be the duty of the Legislature to establish and maintain a general and uniform system of public schools, wherein tuition shall be without charge, and equally open to all, and to adopt all suitable means to secure to the people the advantages and opportunities of education.

Sec. 2. All proceeds of the sale of public lands that have heretofore been or may hereafter be given by the United States for the use of public schools in this State; all such percentum as may be granted by the United States on the sales of public lands; the proceeds of all property that shall fall to the State by escheat; the proceeds of all gifts or donations to the State for public schools or not otherwise appropriated by the terms of the gift; and all property otherwise acquired for public schools, shall be and remain a perpetual fund for the maintenance of public schools in the State. It shall be deemed a trust fund held by the State. The principal shall forever remain inviolate; and

may be increased, but shall never be diminished, and the State shall make good all losses thereof which may in any manner occur.

Sec. 3. The interest and income of this fund, together with the net proceeds of all fines for violation of State laws and all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the public schools of the State, and shall be for this purpose apportioned among and between all the several public school corporations of the State in proportion to the number of children in each of school age, as may be fixed by law; and no part of the fund, either principal or interest, shall ever be diverted, even temporarily, from this purpose or used for any other purpose whatever than the maintenance of public schools for the equal benefit of all the people of the State.

Sec. 4. After one year from the assembling of the first Legislature, the lands granted to the State by the United States for the use of public schools may be sold upon the following conditions and no other: Not more than one-third of all such lands shall be sold within the first five years, and no more than two-thirds within the first fifteen years after the title thereto is vested in the State, and the Legislature shall, subject to the provisions of this article, provide for the sale of the same.

The Commissioner of School and Public Lands, the State Auditor and the county superintendent of schools of the counties severally, shall constitute boards of appraisal and shall appraise all school lands within the several counties which they may from time to time select and designate for sale at their actual value under the terms of sale.

They shall take care to first select and designate for sale the most valuable lands, and they shall ascertain all such lands as may be of special and peculiar value, other than agricultural, and cause the proper subdivision of the same in order that the largest price may be obtained therefor.

Sec. 5. No land shall be sold for less than the appraised value, and in no case for less than ten dollars an acre. The purchaser shall pay one-fourth of the price in cash, and the remaining three-fourths as follows: One-fourth in five years, one-fourth in ten years, and one-fourth in fifteen years; with interest

thereon at the rate of not less than six per centum per annum, payable annually in advance, but all such subdivided lands may be sold for cash, provided that upon payment of the interest for one full year in advance, the balance of the purchase-price may be paid at any time. All sales shall be at public auction to the highest bidder, after sixty days' advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold, and one at the seat of government. Such lands as shall not have been specially subdivided shall be offered in tracts of not more than eighty acres, and those so subdivided in the smallest subdivisions. All lands designated for sale and not sold within four years after appraisal, shall be reappraised by the board of appraisal as hereinbefore provided before they are sold.

Sec. 6. All sales shall be conducted through the office of the Commissioner of School and Public Lands as may be prescribed by law, and returns of all appraisals and sales shall be made to said office. No sale shall operate to convey any right or title to any lands for sixty days after the date thereof, nor until the same shall have received the approval of the Governor in such form as may be provided by law. No grant or patent for any such lands shall issue until final payment be made.

Sec. 7. All lands, money or other property donated, granted, or received from the United States or any other source for a university, agricultural college, normal schools or other educational or charitable institution or purpose, and the proceeds of all such lands and other property so received from any source, shall be and remain perpetual funds, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and applied to the specific objects of the original grants or gifts. The principal of every such fund may be increased, but shall never be diminished, and the interest and income only shall be used. Every such fund shall be deemed a trust fund held by the State, and the State shall make good all losses therefrom that shall in any manner occur.

Sec. 8. All lands mentioned in the preceding section shall be appraised and sold in the same manner and by the same officers and boards, under the same limitations, and subject to all the conditions as to price, sale and approval provided above for the

appraisal and sale of lands for the benefit of public schools, but a distinct and separate account shall be kept by the proper officers of each of such funds.

Sec. 9. No lands mentioned in this article shall be leased except for pasturage and meadow purposes, and at public auction after notice as hereinbefore provided in case of sale and shall be offered in tracts not greater than one section. All rents shall be payable annually in advance, and no term of lease shall exceed five years, nor shall any lease be valid until it receives the approval of the Governor.

Sec. 10. No claim to any public lands by any trespasser thereon by reason of occupancy, cultivation or improvement thereof, shall ever be recognized; nor shall compensation ever be made on account of any improvement made by such trespasser.

Sec. 11. The moneys of the permanent school and other educational funds shall be invested only in first mortgages upon good improved farm lands within this State, as hereinafter provided, or in bonds of school corporations within the State, or in bonds of the United States or of the State of South Dakota. The Legislature shall provide by law the method of determining the amounts of said funds, which shall be invested from time to time in such classes of securities respectively, taking care to secure continuous investments as far as possible.

All moneys of said funds which may from time to time be designated for investment in farm mortgages and in the bonds of school corporations, shall for such purpose be divided among the organized counties of the State in proportion to population as nearly as provisions by law to secure continuous investments may permit. The several counties shall hold and manage the same as trust funds, and they shall be and remain responsible and accountable for the principal and interest of all such moneys received by them from the date to (of) receipt until returned because not loaned; and in case of loss of any money so apportioned to any county, such county shall make the same good out of its common revenue. Counties shall invest said money in bonds of school corporations, or in first mortgages upon good improved farm lands within their limits respectively; but no farm loan shall exceed five hundred dollars to any one person,

nor shall it exceed one-half the valuation of the land as assessed for taxation, and the rate of interest shall not be less than six per centum per annum, and shall be such other and higher rate as the Legislature may provide, and shall be payable semi-annually on the first day of January and July: Provided, That wherever there are moneys of said fund in any county amounting to one thousand dollars that cannot be loaned according to the provisions of this section and any law pursuant thereto, the said sum may be returned to the State Treasurer to be intrusted to some other county or counties, or otherwise invested under the provisions of this section.

Each county shall semi-annually, on the first day of January and July, render an account of the condition of the funds intrusted to it to the Auditor of State, and at the same time pay to or account to the State Treasurer for the interest due on all funds intrusted to it.

The Legislature may provide by general law that counties may retain from interest collected in excess of six per centum per annum upon all said funds intrusted to them, not to exceed one per centum per annum. But no county shall be exempted from the obligation to make semi-annual payments to the State treasury of interest at the rate provided by law for such loans, except only said one per centum, and in no case shall the interest so to be paid be less than six per centum per annum.

The Legislature shall provide by law for the safe investment of the permanent school and other educational funds, and for the prompt collection of interest and income thereof, and to carry out the objects and provisions of this section.

Sec. 12. The Governor may disapprove any sale, lease or investment other than such as are intrusted to the counties.

Sec. 13. All losses to the permanent school or other educational funds of this State which shall have been occasioned by the defalcation, negligence, mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the State. The amount so audited shall be a permanent funded debt against the State in favor of the fund sustaining the loss upon which not less than six per centum of annual interest shall be paid. The amount of indebtedness so created shall not be counted as a part of the indebtedness mentioned in Article XIII, section 2.

Sec. 14. The Legislature shall provide by law for the protection of the school lands from trespass or unlawful appropriation, and for their defense against all unauthorized claims or efforts to divert them from the school fund.

Sec. 15. The Legislature shall make such provisions by general taxation, and by authorizing the school corporations to levy such additional taxes, as with the income from the permanent school fund shall secure a thorough and efficient system of common schools throughout the State.

Sec. 16. No appropriation of lands, money or other property or credits to aid any sectarian school shall ever be made by the State, or any county or municipality within the State, nor shall the State or any county or municipality within the State accept any grant, conveyance, gift or bequest of lands, money or other property to be used for sectarian purposes, and no sectarian instruction shall be allowed in any school or institution aided or supported by the State.

Sec. 17. No teacher, State, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used or to be used in any school in this State, under such penalties as shall be provided by law.

#### ARTICLE IX.

##### *County and Township Organization.*

Section 1. The Legislature shall provide by general law for organizing new counties, locating the county seats thereof and changing county lines; but no new counties shall be organized so as to include an area of less than twenty-four congressional townships, as near as may be without dividing a township or fractional township, nor shall the boundaries of any organized county be changed so as to reduce the same to a less area than above specified. All changes in county boundaries in counties already organized, before taking effect, shall be submitted to the electors of the county or counties to be affected thereby, at the next general election thereafter and be adopted by a majority of the votes cast in each county at such election. Counties now organized shall remain as they are unless changed according to the above provisions.

Sec. 2. In counties already organized where the county seat has not been located by a majority vote, it shall be the duty of

the county board to submit the location of the county seat to the electors of said county at a general election. The place receiving a majority of all votes cast at said election shall be the county seat of said county.

Sec. 3. Whenever a majority of the legal voters of any organized county shall petition the county board to change the location of the county seat which has once been located by a majority vote, specifying the place to which it is to be changed, said county board shall submit the same to the people of said county at the next general election, and if the proposition to change the county seat be ratified by two-thirds of the votes cast at said election, then the county seat shall be changed, otherwise not. A proposition to change the location of the county seat of any organized county shall not again be submitted before the expiration of four years.

Sec. 4. The Legislature shall provide by general law for organizing the counties into townships, having due regard for congressional township lines and natural boundaries, and whenever the population is sufficient and the natural boundaries will permit, the civil townships shall be co-extensive with the congressional townships.

Sec. 5. In each organized county at the first general election held after the admission of the State of South Dakota into the Union, and every two years thereafter, there shall be elected a clerk of the court, sheriff, county auditor, register of deeds, treasurer, State's attorney, surveyor, coroner, and superintendent of schools, whose terms of office respectively shall be two years, and except the clerk of the court, no person shall be eligible for more than four years in succession to any of the above named offices.

Sec. 6. The Legislature shall provide by general law for such county, township and district officers as may be deemed necessary, and shall prescribe the duties and compensation of all county, township and district officers.

Sec. 7. All county, township and district officers shall be electors in the county, township or district in which they are elected: Provided, That nothing in this section shall prevent the holding of school offices by any person, as provided in section 9, article VII.

## ARTICLE X.

*Municipal Corporations.*

Section 1. The Legislature shall provide by general laws for the organization and classification of municipal corporations. The number of such classes shall not exceed four, and the powers of each class shall be defined by general laws, so that no such corporations shall have any powers, or be subject to any restrictions other than those of all corporations of the same class. The Legislature shall restrict the power of such corporations to levy taxes and assessments, borrow money and contract debts, so as to prevent the abuse of such power.

Sec. 2. Except as otherwise provided in this Constitution, no tax or assessment shall be levied or collected, or debts contracted by municipal corporations, except in pursuance of law, for public purposes specified by law; nor shall money raised by taxation, loan or assessment for one purpose ever be diverted to any other.

Sec. 3. No street passenger railway or telegraph or telephone lines shall be constructed within the limits of any village, town or city without the consent of its local authorities.

## ARTICLE XI.

*Revenue and Finance.*

Section 1. The Legislature shall provide for an annual tax sufficient to defray the estimated ordinary expenses of the State, for each year, not to exceed in any one year two mills on each dollar of the assessed valuation of all taxable property in the State, to be ascertained by the last assessment made for State and county purposes.

And whenever it shall appear that such ordinary expenses shall exceed the income of the State for such year, the Legislature shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of such ensuing year. And for the purpose of paying the public debt, the Legislature shall provide for levying a tax annually, sufficient to pay the annual interest and the principal of such debt within ten years from the final passage of the law creating the



debt: Provided, That the annual tax for the payment of the interest and principal of the public debt shall not exceed in any one year two mills on each dollar of the assessed valuation of all taxable property in the State as ascertained by the last assessment made for the State and county purposes.

Sec. 2. All taxes to be raised in this State shall be uniform on all real and personal property, according to its value in money, to be ascertained by such rules of appraisement and assessment as may be prescribed by the Legislature by general law, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property. And the Legislature shall provide by general law for the assessing and levying of taxes on all corporation property as near as may be by the same methods as are provided for assessing and levying of taxes on individual property.

Sec. 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

Sec. 4. The Legislature shall provide for taxing all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise; and also for taxing the notes and bills discounted or purchased, moneys loaned and all other property, effects, or dues of every description, of all banks and of all bankers, so that all property employed in banking shall always be subject to a taxation equal to that imposed on the property of individuals.

Sec. 5. The property of the United States and of the State, county and municipal corporations, both real and personal, shall be exempt from taxation.

Sec. 6. The Legislature shall, by general law, exempt from taxation, property used exclusively for agricultural and horticultural societies, for school, religious, cemetery and charitable purposes, and personal property to any amount not exceeding in value two hundred dollars, for each individual liable to taxation.

Sec. 7. All laws exempting property from taxation, other than that enumerated in sections 5 and 6 of this article, shall be void.

Sec. 8. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same, to which the tax only shall be applied.

Sec. 9. All taxes levied and collected for State purposes shall be paid into the State treasury. No indebtedness shall be incurred or money expended by the State, and no warrant shall be drawn upon the State Treasurer except in pursuance of an appropriation for a specific purpose first made. The Legislature shall provide by suitable enactment for carrying this section into effect.

Sec. 10. The Legislature may vest the corporate authority of cities, towns and villages with power to make local improvements by special taxation of contiguous property or otherwise. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such tax shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

Sec. 11. The making of profit, directly or indirectly, out of State, county, city, town or school district money, or using the same for any purpose not authorized by law, shall be deemed a felony and shall be punished as provided by law.

Sec. 12. An accurate statement of the receipts and expenditures of the public moneys shall be published annually in such manner as the Legislature may provide.

## ARTICLE XII.

### *Public Accounts and Expenditures.*

Section 1. No money shall be paid out of the treasury except upon appropriation by law and on warrant drawn by the proper officer.

Sec. 2. The general appropriation bill shall embrace nothing but appropriations for ordinary expenses of the executive, legislative and judicial departments of the State, the current expenses of State institutions, interest on the public debt, and for common schools. All other appropriations shall be made by separate bills, each embracing but one object, and shall require a two-thirds vote of all the members of each branch of the Legislature.

Sec. 3. The Legislature shall never grant any extra compensation to any public officer, employe, agent or contractor after the services shall have been rendered or the contract entered into, nor authorize the payment of any claims or part thereof created against the State, under any agreement or contract

made without express authority of law, and all such unauthorized agreements or contracts shall be null and void; nor shall the compensation of any public officer be increased or diminished during his term of office: Provided, however, that the Legislature may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

Sec. 4. An itemized statement of all receipts and expenditures of the public moneys shall be published annually in such manner as the Legislature shall provide, and such statements shall be submitted to the Legislature at the beginning of each regular session by the Governor with his message.

### ARTICLE XIII.

#### *Public Indebtedness.*

Section 1. Neither the State nor any county, township or municipality shall loan or give its credit or make donations to or in aid of any individual, association or corporation except for the necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, nor pay or become responsible for the debt or liability of any individual, association or corporation: Provided, That the State may assume or pay such debt or liability when incurred in time of war for the defense of the State. Nor shall the State engage in any work of internal improvement.

Sec. 2. For the purpose of defraying extraordinary expenses and making public improvements, or to meet casual deficits or failure in revenue, the State may contract debts never to exceed, with previous debts, in the aggregate \$100,000, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the State or the United States in war, and provision shall be made by law for the payment of the interest annually, and the principal when due, by tax levied for the purpose, or from other sources of revenue; which law providing for the payment of such interest and principal by such tax or otherwise shall be irrevocable until such debt is paid: Provided, however, the State of South Dakota shall have the power to refund the territorial debt assumed by the State of South Dakota, by bonds of the State of South Dakota.

Sec. 3. That the indebtedness of the State of South Dakota, limited by section 2 of this article shall be in addition to the debt of the Territory of Dakota assumed by and agreed to be paid by South Dakota.

Sec. 4. The debt of any county, city, town, school district or other subdivision, shall never exceed five per centum upon the assessed value of the taxable property therein.

In estimating the amount of indebtedness which a municipality or subdivision may incur, the amount of indebtedness contracted prior to the adoption of this Constitution shall be included.

Sec. 5. Any city, county, town, school district or any other subdivision incurring indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof when due, and all laws or ordinances providing for the payment of the interest or principal of any debt shall be irrevocable until such debt be paid.

Sec. 6. In order that the payment of the debts and liabilities contracted or incurred by and in behalf of the Territory of Dakota may be justly and equitably provided for and made, and in pursuance of the requirements of an act of Congress approved February 22, 1889, entitled "An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such State," the States of North Dakota and South Dakota, by proceedings of a joint commission duly appointed under said act, the sessions whereof were held at Bismarck in said State of North Dakota, from July 16, 1889, to July 31, 1889, inclusive, have agreed to the following adjustment of the amounts of the debts and liabilities of the Territory of Dakota which shall be assumed and paid by each of the States of North Dakota and South Dakota respectively, to wit:

1. This agreement shall take effect and be in force from and after the admission into the Union, as one of the United States of America, of either the State of North Dakota or the State of South Dakota.

2. The words "State of North Dakota," wherever used in this agreement, shall be taken to mean the Territory of North Dakota, in case the State of South Dakota shall be admitted into the Union prior to the admission into the Union of the State of North Dakota; and the words "State of South Dakota," wherever used in this agreement, shall be taken to mean the Territory of South Dakota in case the State of North Dakota shall be admitted into the Union prior to the admission into the Union of the State of South Dakota.

3. The said State of North Dakota shall assume and pay all bonds issued by the Territory of Dakota to provide funds for the purchase, construction, repairs or maintenance of such public institutions, grounds or buildings as are located within the boundaries of North Dakota, and shall pay all warrants issued under and by virtue of that certain act of the Legislative Assembly of the Territory of Dakota, approved March 3, 1889, entitled "An act to provide for the refunding of outstanding warrants drawn on the capitol building fund."

4. The said State of South Dakota shall assume and pay all bonds issued by the Territory of Dakota to provide funds for the purchase, construction, repairs or maintenance of such public institutions, grounds or buildings as are located within the boundaries of South Dakota.

5. That is to say: The State of North Dakota shall assume and pay the following bonds and indebtedness, to wit: Bonds issued on account of the hospital for insane at Jamestown, North Dakota, the face aggregate of which is two hundred and sixty-six thousand dollars; also, bonds issued on account of the North Dakota University at Grand Forks, North Dakota, the face aggregate of which is ninety-six thousand seven hundred dollars; also, bonds issued on account of the penitentiary at Bismarck, North Dakota, the face aggregate of which is ninety-three thousand six hundred dollars; also, refunding capitol building warrants dated April 1, 1889, eighty-three thousand five hundred and seven dollars and forty-six cents.

And the State of South Dakota shall assume and pay the following bonds and indebtedness, to wit: Bonds issued on account of the hospital for the insane at Yankton, South Dakota, the face aggregate of which is two hundred and ten thousand dollars; also, bonds issued on account of the school for deaf mutes

at Sioux Falls, South Dakota, the face aggregate of which is fifty-one thousand dollars; also, bonds issued on account of the university at Vermillion, South Dakota, the face aggregate of which is seventy-five thousand dollars; also, bonds issued on account of the penitentiary at Sioux Falls, South Dakota, the face aggregate of which is ninety-four thousand three hundred dollars; also, bonds issued on account of agricultural college at Brookings, South Dakota, the face aggregate of which is ninety-seven thousand five hundred dollars; also, bonds issued on account of the normal school at Madison, South Dakota, the face aggregate of which is forty-nine thousand four hundred dollars; also, bonds issued on account of (the) school of mines at Rapid City, South Dakota, the face aggregate of which is thirty-three thousand dollars; also, bonds issued on account of the reform school at Plankinton, South Dakota, the face aggregate of which is thirty thousand dollars; also, bonds issued on account of the normal school at Spearfish, South Dakota, the face aggregate of which is twenty-five thousand dollars; also, bonds issued on account of the soldiers' home at Hot Springs, South Dakota, the face aggregate of which is forty-five thousand dollars.

6. The States of North Dakota and South Dakota shall pay one-half each of all liabilities now existing or hereafter and prior to the taking effect of this agreement incurred, except those heretofore and hereafter incurred on account of public institutions, grounds or buildings, except as otherwise herein specifically provided.

7. The State of South Dakota shall pay to the State of North Dakota forty-six thousand five hundred dollars on account of the excess of territorial appropriations for the permanent improvement of territorial institutions which, under this agreement, will go to South Dakota, and in full of the undivided one-half interest of North Dakota in the territorial library, and in full settlement of unbalanced accounts, and of all claims against the Territory of whatever nature, legal or equitable, arising out of the alleged erroneous or unlawful taxation of the Northern Pacific Railroad lands, and the payment of said amount shall discharge and exempt the State of South Dakota from all liability for or on account of the several matters hereinbefore referred to; nor shall either State be called upon to pay or answer to any portion of liability hereafter arising or accruing on account of transac-

tions heretofore had, which liability would be a liability of the Territory of Dakota had such Territory remained in existence, and which liability shall grow out of matters connected with any public institution, grounds or buildings of the Territory situated or located within the boundaries of the other State.

8. The final adjustment of accounts shall be made upon the following basis: North Dakota shall be charged with all sums paid on account of the public institutions, grounds or buildings located within its boundaries on account of the current appropriations since March 8, 1889; and South Dakota shall be charged with all sums paid on account of public institutions, grounds or buildings located within its boundaries on the same account and during the same time. Each State shall be charged with one-half of all other expenses of the territorial government during the same time. All moneys paid into the treasury during the period from March 8, 1889, to the time of taking effect of this agreement, by any county, municipality or person within the limits of the proposed State of North Dakota, shall be credited to the State of North Dakota; and all sums paid into said treasury within the same time by any county, municipality or person within the limits of the proposed State of South Dakota shall be credited to the State of South Dakota, except that any and all taxes on gross earnings paid into said treasury by railroad corporations since the eighth day of March, 1889, based upon earnings of years prior to 1888, under and by virtue of the act of the Legislative Assembly of the Territory of Dakota, approved March 7, 1889, and entitled "An act providing for the levy and collection of taxes upon property of railroad companies in this Territory," being chapter 107 of the Session Laws of 1889 (that is, the part of such sum going to the Territory), shall be equally divided between the States of North Dakota and South Dakota, and all taxes heretofore or hereafter paid into the said treasury under and by virtue of the act last mentioned, based on gross earnings of the year 1888, shall be distributed as already provided by law, except that so much thereof as goes to the territorial treasury shall be divided as follows: North Dakota shall have so (much) thereof as shall be or has been paid by railroads within the limits of the proposed State of North Dakota, and South Dakota so much thereof as shall be or has been paid by railroads within

the limits of the proposed State of South Dakota. Each State shall be credited also with all balances of appropriations made by the seventeenth Legislative Assembly of the Territory of Dakota for the account of public institutions, grounds or buildings situated within its limits, remaining unexpended on March 8, 1889. If there be any indebtedness except the indebtedness represented by the bonds and refunding warrants hereinbefore mentioned, each State shall at the time of such final adjustment of accounts, assume its share of said indebtedness as determined by the amount paid on account of the public institutions, grounds or buildings of such State in excess of the receipts from counties, municipalities, railroad corporations or persons within the limits of said State as provided in this article; and if there should be a surplus at the time of such final adjustment, each State shall be entitled to the amounts received from counties, municipalities, railroad corporations or persons within its limits over and above the amount charged to it.

Sec. 7. And the State of South Dakota hereby obligates itself to pay such part of the debts and liabilities of the Territory of Dakota as is declared by the foregoing agreement to be its proportion thereof, the same as if such proportion had been originally created by said State of South Dakota as its own debt or liability.

Sec. 8. The Territorial Treasurer is hereby authorized and empowered to issue refunding bonds to the amount of \$107,500, bearing interest not to exceed the rate of four per cent per annum, for the purpose of refunding the following described indebtedness of the Territory of Dakota, to wit:

Seventy-seven thousand five hundred dollars five per cent bonds, dated May 1, 1883, issued for the construction of the west wing of the insane hospital at Yankton, and \$30,000 six per cent bonds, dated May 1, 1883, issued for permanent improvements (of the) Dakota penitentiary at Sioux Falls, such refunding bonds, if issued, to run for not more than twenty years, and shall be executed by the Governor and Treasurer of the Territory, and shall be attested by the Secretary under the great seal of the Territory.

In case such bonds are issued by the Territorial Treasurer as hereinbefore set forth, before the first day of October, 1889, then



upon the admission of South Dakota as a State it shall assume and pay said bonds in lieu of the aforesaid territorial indebtedness.

#### ARTICLE XIV.

##### *State Institutions.*

Section 1. The charitable and penal institutions of the State of South Dakota shall consist of a penitentiary, insane hospital, a school for the deaf and dumb, a school for the blind, and a reform school.

Sec. 2. The State institutions provided for in the preceding section shall be under the control of a State Board of Charities and Corrections, under such rules and restrictions as the Legislature shall provide; such board to consist of not to exceed five members, to be appointed by the Governor and confirmed by the Senate, and whose compensation shall be fixed by law.

Sec. 3. The State university, the agricultural college, the normal schools and all other educational institutions that may be sustained either wholly or in part by the State shall be under the control of a board of nine members, appointed by the Governor and confirmed by the Senate, to be designated the Regents of Education. They shall hold their office for six years, three retiring every second year.

The Regents, in connection with the faculty of each institution, shall fix the course of study in the same.

The compensation of the Regents shall be fixed by the Legislature.

Sec. 4. The Regents shall appoint a board of five members for each institution under their control, to be designated the board of trustees. They shall hold office for five years, one member retiring annually. The trustees of each institution shall appoint the faculty of the same, and shall provide for the current management of the institution, but all appointments and removals must have the approval of the Regents to be valid. The trustees of the several institutions shall receive no compensation for their services, but they shall be reimbursed for all expenses incurred in the discharge of their duties, upon presenting an itemized account of the same to the proper officer. Each board of trustees at its first meeting shall decide by lot the order in which its members shall retire from office.

Sec. 5. The Legislature shall provide that the science of mining and metallurgy be taught in at least one institution of learning under the patronage of the State.

#### ARTICLE XV.

##### *Militia.*

Section 1. The militia of the State of South Dakota shall consist of all able-bodied male persons residing in the State, between the ages of eighteen and forty-five years, except such persons as now are, or hereafter may be, exempted by the laws of the United States or of this State.

Sec. 2. The Legislature shall provide by law for the enrollment, uniforming, equipment and discipline of the militia, and the establishment of volunteer and such other organizations or both, as may be deemed necessary for the protection of the State, the preservation of order and the efficiency and good of the service.

Sec. 3. The Legislature, in providing for the organization of the militia, shall conform, as nearly as practicable, to the regulations for the government of the armies of the United States.

Sec. 4. All militia officers shall be commissioned by the Governor and may hold their commissions for such period of time as the Legislature may provide, subject to removal by the Governor for cause, to be first ascertained by a court-martial pursuant to law.

Sec. 5. The militia shall in (all) cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at muster and elections, and in going to and returning from the same.

Sec. 6. All military records, banners and relics of the State, except when in lawful use, shall be preserved in the office of the adjutant-general as an enduring memorial of the patriotism and valor of South Dakota; and it shall be the duty of the Legislature to provide by law for the safe-keeping of the same.

Sec. 7. No person having conscientious scruples against bearing arms shall be compelled to do military duty in time of peace.

ARTICLE XVI.

*Impeachment and Removal from Office.*

Section 1. The House of Representatives shall have the sole power of impeachment.

The concurrence of a majority of all members elected shall be necessary to an impeachment.

Sec. 2. All impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. When the Governor or Lieutenant-Governor is on trial the presiding judge of the Supreme Court shall preside.

Sec. 3. The Governor and other State and judicial officers except county judges, justices of the peace and police magistrates shall be liable to impeachment for drunkenness, crimes, corrupt conduct, or malfeasance or misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under the State. The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Sec. 4. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance or crime or misdemeanor in office or for drunkenness or gross incompetency, in such manner as may be provided by law.

Sec. 5. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

Sec. 6. On trial of an impeachment against the Governor the Lieutenant-Governor shall not act as a member of the court.

Sec. 7. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

Sec. 8. No person shall be liable to impeachment twice for the same offense.

ARTICLE XVII.

*Corporations.*

Section 1. No corporation shall be created or have its charter extended, changed or amended by special laws except those

for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the State; but the Legislature shall provide by general laws for the organization of all corporations hereafter to be created.

Sec. 2. All existing charters or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith at the time this Constitution takes effect, shall thereafter have no validity.

Sec. 3. The Legislature shall not remit the forfeiture of the charter of any corporation now existing nor alter or amend the same nor pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

Sec. 4. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals, and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the State.

Sec. 5. In all elections for directors or managers of a corporation each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates as he may prefer.

Sec. 6. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

Sec. 7. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

Sec. 8. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void.

The stock and indebtedness of corporations shall not be increased except in pursuance of general law nor without the consent of the persons holding the larger amount in value of the stock first obtained, at a meeting to be held after sixty days' notice given in pursuance of law.

Sec. 9. The Legislature shall have the power to alter, revise or annul any charter of any corporation now existing and revokable at the taking effect of this Constitution, or any that may be created, whenever in their opinion it may be injurious to the citizens of this State, in such a manner, however, that no injustice shall be done to the incorporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

Sec. 10. No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town or incorporated village without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by said such street railroad.

Sec. 11. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph in this State, and to connect the same with other lines ; and the Legislature shall by general law of uniform operation provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph company owning a competing line, or acquire by purchase or otherwise any other competing line of telegraph.

Sec. 12. Every railroad corporation organized or doing business in this State under the laws or authority thereof shall have and maintain a public office or place in this State for the transaction of its business, where transfers of its stocks shall be made and in which shall be kept for public inspection books in which shall be recorded the amount of capital stock subscribed, and by whom ; the names of the owners of its stock, and the amount owned by them respectively ; the amount of stock paid in, and by whom ; the transfers of said stock ; the amount of its assets and liabilities, and the names and place of residence of its officers. The directors of every railroad corporation shall

annually make a report, under oath, to the auditor of public accounts or some officer or officers to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

Sec. 13. The rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the Legislature shall pass no laws exempting such property from execution and sale.

Sec. 14. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line ; and in no case shall any consolidation take place except upon public notice given out, at least sixty days to all stockholders in such manner as may be provided by law. Any attempt to evade the provisions of this section, by any railroad corporation, by lease or otherwise, shall work a forfeiture of its charter.

Sec. 15. Railways heretofore constructed or that may hereafter be constructed, in this State, are hereby declared public highways, and all railroads and transportation companies are declared to be common carriers and subject to legislative control ; and the Legislature shall have power to enact laws regulating and controlling the rates of charges for the transportation of passengers and freight as such common carrier from one point to another in this State.

Sec. 16. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

Sec. 17. The Legislature shall pass laws to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and

enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

Sec. 18 Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed, by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The Legislature is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporation or individuals made by viewers or otherwise, and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury as in other civil cases.

Sec. 19. The term "corporations" as used in this article shall be construed to include all joint-stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

#### ARTICLE XVIII.

##### *Banking and Currency.*

Section 1. If a general banking law shall be enacted it shall provide for the registry and countersigning by an officer of this State of all bills or paper credit designated to circulate as money, and require security to the full amount thereof, to be deposited with the State Treasurer, in the approved securities of the State or of the United States, to be rated at ten per centum below their par value, and in case of their depreciation the deficiency shall be made good by depositing additional securities.

Sec. 2. Every bank, banking company or corporation shall be required to cease all banking operation within twenty years from the time of its organization, and promptly thereafter close its business, but shall have corporate capacity to sue or be sued until its business is fully closed, but the Legislature may provide by general law for the reorganization of such banks.

Sec. 3. The shareholders or stockholders of any banking corporation shall be held individually responsible and liable for all

contracts, debts and engagements of such corporation to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares or stock; and such individual liabilities shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

#### ARTICLE XIX.

##### *Congressional and Legislative Apportionment.*

Section 1. Until otherwise provided by law, the members of the House of Representatives of the United States, apportioned to this State, shall be elected by the State at large.

Sec. 2. Until otherwise provided by law, the senatorial and representative districts shall be formed, and the Senators and Representatives shall be apportioned, as follows:

##### Senatorial Districts.

District No. 1 shall consist of the county of Union and be entitled to one Senator.

District No. 2 shall consist of the county of Clay, and be entitled to one Senator.

District No. 3 shall consist of the county of Yankton, and be entitled to one Senator.

District No. 4 shall consist of the county of Bon Homme, and be entitled to one Senator.

District No. 5 shall consist of the county of Lincoln, and be entitled to one Senator.

District No. 6 shall consist of the county of Turner, and be entitled to one Senator.

District No. 7 shall consist of the county of Hutchinson, and be entitled to one Senator.

District No. 8 shall consist of the counties of Charles Mix and Douglas, and be entitled to one Senator.

District No. 9 shall consist of the county of Minnehaha, and be entitled to two Senators.

District No. 10 shall consist of the county of McCook, and be entitled to one Senator.

District No. 11 shall consist of the county of Hanson, and be entitled to one Senator.

District No. 12 shall consist of the county of Davison, and be entitled to one Senator.



District No. 13 shall consist of the county of Aurora, and be entitled to one Senator.

District No. 14 shall consist of the county of Brule, and be entitled to one Senator.

District No. 15 shall consist of the county of Moody, and be entitled to one Senator.

District No. 16 shall consist of the county of Lake, and be entitled to one Senator.

District No. 17 shall consist of the county of Miner, and be entitled to one Senator.

District No. 18 shall consist of the county of Sanborn, and be entitled to one Senator.

District No. 19 shall consist of the counties of Jerauld and Buffalo, and be entitled to one Senator.

District No. 20 shall consist of the county of Brookings, and be entitled to one Senator.

District No. 21 shall consist of the county of Kingsbury, and be entitled to one Senator.

District No. 22 shall consist of the county of Beadle, and be entitled to one Senator.

District No. 23 shall consist of the county of Hand, and be entitled to one Senator.

District No. 24 shall consist of the counties of Hyde and Hughes, and be entitled to one Senator.

District No. 25 shall consist of the counties of Sully and Potter, and be entitled to one Senator.

District No. 26 shall consist of the county of Deuel, and be entitled to one Senator.

District No. 27 shall consist of the county of Hamlin, and be entitled to one Senator.

District No. 28 shall consist of the county of Codington, and be entitled to one Senator.

District No. 29 shall consist of the county of Clark, and be entitled to one Senator.

District No. 30 shall consist of the county of Spink, and be entitled to two Senators.

District No. 31 shall consist of the counties of Grant and Roberts, and be entitled to one Senator.

District No. 32 shall consist of the county of Day, and be entitled to one Senator.

District No. 33 shall consist of the county of Brown, and be entitled to two Senators.

District No. 34 shall consist of the county of Marshall, and be entitled to one Senator.

District No. 35 shall consist of the county of Faulk, and be entitled to one Senator.

District No. 36 shall consist of the counties of Edmunds and McPherson, and be entitled to one Senator.

District No. 37 shall consist of the counties of Walworth and Campbell, and be entitled to one Senator.

District No. 38 shall consist of the county of Lawrence, and be entitled to two Senators.

District No. 39 shall consist of the county of Pennington, and be entitled to one Senator.

District No. 40 shall consist of the counties of Meade and Butte, and be entitled to one Senator.

District No. 41 shall consist of the county of Custer, and be entitled to one Senator.

#### Representative Districts.

District No. 1 shall consist of the county of Union, and be entitled to three Representatives.

District No. 2 shall consist of the county of Clay, and be entitled to two Representatives.

District No. 3 shall consist of the county of Yankton, and be entitled to four Representatives.

District No. 4 shall consist of the county of Bon Homme, and be entitled to three Representatives.

District No. 5 shall consist of the county of Lincoln, and be entitled to three Representatives.

District No. 6 shall consist of the county of Turner, and be entitled to three Representatives.

District No. 7 shall consist of the county of Hutchinson, and be entitled to two Representatives.

District No. 8 shall consist of the county of Douglas, and be entitled to two Representatives.

District No. 9 shall consist of the county of Charles Mix, and be entitled to two Representatives.

District No. 10 shall consist of the county of Minnehaha, and be entitled to seven Representatives.

District No. 11 shall consist of the county of McCook, and be entitled to two Representatives.

District No. 12 shall consist of the county of Hanson, and be entitled to two Representatives.

District No. 13 shall consist of the county of Davison, and be entitled to two Representatives.

District No. 14 shall consist of the county of Aurora, and be entitled to two Representatives.

District No. 15 shall consist of the county of Brule, and be entitled to three Representatives.

District No. 16 shall consist of the county of Moody, and be entitled to two Representatives.

District No. 17 shall consist of the county of Lake, and be entitled to three Representatives.

District No. 18 shall consist of the county of Miner, and be entitled to two Representatives.

District No. 19 shall consist of the county of Sanborn, and be entitled to two Representatives.

District No. 20 shall consist of the county of Jerauld, and be entitled to one Representative.

District No. 21 shall consist of the county of Buffalo, and be entitled to one Representative.

District No. 22 shall consist of the county of Brookings, and be entitled to three Representatives.

District No. 23 shall consist of the county of Kingsbury, and be entitled to three Representatives.

District No. 24 shall consist of the county of Beadle, and be entitled to five Representatives.

District No. 25 shall consist of the county of Hand, and be entitled to three Representatives.

District No. 26 shall consist of the county of Hyde, and be entitled to one Representative.

District No. 27 shall consist of the county of Hughes, and be entitled to one Representative.

District No. 28 shall consist of the county of Sully, and be entitled to one Representative.

District No. 29 shall consist of the county of Deuel, and be entitled to two Representatives.

District No. 30 shall consist of the county of Hamlin, and be entitled to two Representatives.

District No. 31 shall consist of the county of Codington, and be entitled to three Representatives.

District No. 32 shall consist of the county of Clark, and be entitled to three Representatives.

District No. 33 shall consist of the county of Spink, and be entitled to five Representatives.

District No. 34 shall consist of the county of Faulk, and be entitled to two Representatives.

District No. 35 shall consist of the county of Potter, and be entitled to one Representative.

District No. 36 shall consist of the county of Grant, and be entitled to two Representatives.

District No. 37 shall consist of the county of Roberts, and be entitled to one Representative.

District No. 38 shall consist of the county of Day, and be entitled to three Representatives.

District No. 39 shall consist of the county of Marshall, and be entitled to two Representatives.

District No. 40 shall consist of the county of Brown, and be entitled to eight Representatives.

District No. 41 shall consist of the county of Edmunds, and be entitled to two Representatives.

District No. 42 shall consist of the county of Walworth, and be entitled to one Representative.

District No. 43 shall consist of the county of McPherson, and be entitled to two Representatives.

District No. 44 shall consist of the county of Campbell, and be entitled to one Representative.

District No. 45 shall consist of the county of Fall River, and be entitled to one Representative.

District No. 46 shall consist of the county of Custer, and be entitled to two Representatives.

District No. 47 shall consist of the county of Pennington, and be entitled to two Representatives.

District No. 48 shall consist of the county of Meade, and be entitled to two Representatives.

District No. 49 shall consist of the county of Lawrence, and be entitled to six Representatives.

District No. 50 shall consist of the county of Butte, and be entitled to one Representative.

## ARTICLE XX.

### *Seat of Government.*

Section 1. The question of the location of the temporary seat of government shall be submitted to a vote of the electors of the proposed State of South Dakota, in the same manner and at the same election at which this Constitution shall be submitted, and the place receiving the highest number of votes shall be the temporary seat of government until a permanent seat of government shall be established as hereinafter provided.

Sec. 2. The Legislature, at its first session after the admission of this State, shall provide for the submission of the question of a place for a permanent seat of government to the qualified voters of the State at the next general election thereafter, and that place which receives a majority of all the votes cast upon that question shall be the permanent seat of government.

Sec. 3. Should no place voted for at said election have a majority of all votes cast upon this question, the Governor shall issue his proclamation for an election to be held in the same manner at the next general election to choose between the two places having received the highest number of votes cast at the first election on this question. This election shall be conducted in the same manner as the first election for the permanent seat of government, and the place receiving a majority of all the votes cast upon this question shall be the permanent seat of government.

## ARTICLE XXI.

### *Miscellaneous.*

Section 1. Seal and Coat of Arms.—The design of the great seal of South Dakota shall be as follows: A circle within which shall appear in the left foreground a smelting furnace and other features of mining work. In the left background a range of hills. In the right foreground a farmer at his plow. In the right background a herd of cattle and a field of corn. Between the two parts thus described shall appear a river bearing a steamboat. Properly divided between the upper and lower edges of the circle shall appear the legend, "Under God the People Rule," which shall be the motto of the

State of South Dakota. Exterior to this circle and within a circumscribed circle shall appear, in the upper part, the words "State of South Dakota." In the lower part the words "Great Seal," and the date in Arabic numerals of the year in which the State shall be admitted to the Union.

Sec. 2. Compensation of Public Officers.—The Governor shall receive an annual salary of two thousand five hundred dollars; the judges of the Supreme Court shall each receive an annual salary of two thousand five hundred dollars; the judges of the Circuit Courts shall each receive an annual salary of two thousand dollars: Provided, That the Legislature may, after the year one thousand eight hundred and ninety, increase the annual salary of the Governor and each of the judges of the Supreme Court to three thousand dollars, and the annual salary of each of the Circuit Court judges to two thousand five hundred dollars.

The Secretary of State, State Treasurer and State Auditor shall each receive an annual salary of one thousand eight hundred dollars; the Commissioner of School and Public Lands shall receive an annual salary of one thousand eight hundred dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand eight hundred dollars; the Attorney-General shall receive an annual salary of one thousand dollars; the compensation of the Lieutenant-Governor shall be double the compensation of a State Senator.

They shall receive no fees or perquisites whatever for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase the salaries of the officers named in this article except as herein provided.

Sec. 3. Oath of Office.—Every person elected or appointed to any office in this State, except such inferior offices as may be by law exempted, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully to discharge the duties of his office.

Sec. 4. Exemptions.—The right of the debtor to enjoy the comforts and necessities of life shall be recognized by wholesome laws; exempting from forced sale a homestead, the value

of which shall be limited and defined by law, to all heads of families, and a reasonable amount of personal property, the kind and value of which to be fixed by general law.

Sec. 5. Rights of Married Women.—The real and personal property of any woman in this State acquired before marriage, and all property to which she may after marriage become in any manner rightfully entitled, shall be her separate property, and shall not be liable for the debts of her husband.

## ARTICLE XXII.

### *Compact with United States.*

The following article shall be irrevocable without the consent of the United States and the people of the State of South Dakota expressed by their legislative assembly :

First—That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

Second—That we, the people inhabiting the State of South Dakota, do agree and declare that we forever disclaim all right and title to the unappropriated public lands lying within the boundary of South Dakota, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States; and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands belonging to residents of this State; that no taxes shall be imposed by the State of South Dakota on lands or property therein belonging to or which may hereafter be purchased by the United States, or reserved for its use. But nothing herein shall preclude the State of South Dakota from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relation and has obtained from the United States, or from any person, a title thereto by patent or other grant, save and except such lands as have been or may be granted to any

Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation. All such lands which may have been exempted by any grant or law of the United States shall remain exempt to the extent and as prescribed by such act of Congress.

Third — That the State of South Dakota shall assume and pay that portion of the debts and liabilities of the Territory of Dakota as provided by this Constitution.

Fourth — That provision shall be made for the establishment and maintenance of systems of public schools, which shall be opened to all the children of this State, and free from sectarian control.

#### ARTICLE XXIII.

##### *Amendments and Revisions of the Constitution.*

Section 1. Any amendment or amendments to this Constitution may be proposed in either house of the Legislature, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and it shall be the duty of the Legislature to submit such proposed amendment or amendments to the vote of the people at the next general election. And if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of this Constitution; provided, that the amendment or amendments so proposed shall be published for a period of twelve weeks previous to the date of said election, in such manner as the Legislature may provide; and provided further, that if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against such amendment separately.

Sec. 2. Whenever two-thirds of the members elected to each branch of the Legislature shall think it necessary to call a convention to revise this Constitution they shall recommend to the electors to vote at the next election for members of the Legislature, for or against a convention; and if a majority of all the electors voting at said election shall have voted for a convention, the Legislature shall, at their next session, provide by law for calling the same. The convention shall consist of as many



members as the House of Representatives of the Legislature, and shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid.

#### ARTICLE XXIV.

##### *Prohibition.*

No person or corporation shall manufacture, or aid in the manufacture for sale, any intoxicating liquor; no person shall sell or keep for sale, as a beverage, any intoxicating liquor. The Legislature shall by law prescribe regulations for the enforcement of the provisions of this section and provide suitable and adequate penalties for the violation thereof. (Adopted October 1, 1889, by the following vote: For prohibition, 40,234; against prohibition, 34,510.)

#### ARTICLE XXV.

##### *Minority Representation.*

Section 1. The House of Representatives shall consist of three times the number of the members of the Senate, and the term of office shall be two years. Three representatives shall be elected in each senatorial district at the first general election held after this Constitution takes effect, and every two years thereafter.

Sec. 2. In all elections of representatives aforesaid each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates as he may see fit; and the candidates highest in votes shall be declared elected. (Rejected October 1, 1889, by the following vote: For minority representation, 24,161, against minority representation, 46,200.)

#### ARTICLE XXVI.

##### *Schedule and Ordinance.*

Section 1. That no inconvenience may arise from the change of the territorial government to the permanent State government, it is hereby declared that all writs, actions, prosecutions, claims and rights of individuals, and all bodies corporate, shall continue as if no change had taken place in this government; and all process which may be before the organization of the judicial department under this Constitution issued under the authority

of the Territory of Dakota, within the boundary of this State, shall be as valid as if issued in the name of the State of South Dakota.

Sec. 2. That all fines, penalties, forfeitures and escheats accruing to the Territory of Dakota, within the boundary of the State of South Dakota, shall accrue to the use of said State.

Sec. 3. That all recognizances, bonds, obligations or other undertakings, heretofore taken, or which may be taken before the organization of the judicial department under this Constitution shall remain valid, and shall pass over to, and may be prosecuted in the name of the State of South Dakota ; and all bonds, obligations or undertakings executed to this territory, within the boundaries of the State of South Dakota, or to any officer in his official capacity, shall pass over to the proper State authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly.

All criminal prosecutions and penal actions, which have arisen, or which may arise before the organization of the judicial department under this Constitution, and which shall then be pending, may be prosecuted to judgment and executed in the name of the State.

Sec. 4. All officers, civil and military, now holding their offices and appointments in this territory under the authority of the United States, or under the authority of the Territory of Dakota, shall continue to hold and exercise their respective offices and appointments until superseded under this Constitution ; provided that the provisions of the above sections shall be subject to the provisions of the act of Congress providing for the admission of the State of South Dakota, approved by the President of the United States on February 22, 1889.

Sec. 5. This Constitution shall be submitted for adoption or rejection to a vote of the electors qualified by the laws of this Territory to vote at all elections, at the election to be held on Tuesday, October 1, 1889.

At the said election the ballots shall be in the following form :

For the Constitution: Yes. No.

For Prohibition: Yes. No.

For Minority Representation: Yes. No.

As a heading to each of said ballots shall be printed on each ballot the following instructions to voters:

All persons desiring to vote for the Constitution, or for any of the articles submitted to a separate vote, must erase the word "No."

All persons who desire to vote against the Constitution, or against any article submitted, separately, must erase the word "Yes."

Any person may have printed or written on his ballot only the words "For the Constitution," or "Against the Constitution," and such ballots shall be counted for, or against the Constitution accordingly. The same provision shall apply to articles submitted separately.

In addition to the foregoing election for the Constitution and for the articles submitted by this convention for a separate vote thereon, an election shall be held at the same time and places, by the said qualified electors, for the following State officers, to be voted for on the same ballot as above provided for votes on the Constitution and separate articles, to wit:

A Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Attorney-General, Superintendent of Public Instruction, Commissioner of School and Public Lands, Judges of the Supreme, Circuit and County Courts, Representatives in Congress, State Senators and Representatives in the Legislature.

All the elections above provided for shall be held in the same manner and form as provided for the election for the adoption or rejection of the Constitution. And the names of all the officers above specified to be voted for at such election shall be written or printed upon the same ballots as the votes for or against the Constitution.

The judges of election in counting the ballots voted at such election shall count all the affirmative ballots upon the Constitution as votes for the Constitution; and they shall count all the negative ballots voted at said election upon the Constitution as votes against the Constitution; and ballots voted at said election upon which neither of said words "Yes" or "No" following the words "For the Constitution" are erased, shall not be counted upon such proposition. And they shall count all affirmative ballots so voted upon the article on prohibition, separately

submitted, as votes for such article, and they shall count all negative ballots so voted upon such article as votes against such article ; and ballots upon which neither the words "Yes" or "No" following the words "For Prohibition" are erased, shall not be counted upon such proposition ; and they shall count all the affirmative ballots so voted upon the article on minority representation, separately submitted, as votes for such article. And they shall count all negative ballots so voted upon such article as votes against such article ; and ballots upon which neither the words "Yes" or "No" following the words "For Minority Representation" are erased, shall not be counted upon such proposition.

If it shall appear in accordance with the returns hereinafter provided for, that a majority of the votes polled at such election, for and against the Constitution, are for the Constitution, then this Constitution shall be the Constitution of the State of South Dakota. If it shall appear, according to the returns hereinafter provided for, that a majority of all votes cast at said election for and against "Prohibition" are for prohibition, then said Article XXIV shall be and form a part of this Constitution, and be in full force and effect as such from date of said election, but if a majority of said votes shall appear, according to said returns, to be against prohibition, then Article XXIV shall be null and void and shall not be a part of this Constitution. And if it appear, according to the returns hereinafter provided for, that a majority of all votes cast at said election for and against "Minority Representation" are for minority representation, then article XXV shall be and form a part of said Constitution, and be in full force and effect as such from the date of said election ; but if a majority of said votes shall appear, according to said returns, to be against minority representation, then said article XXV shall be null and void and shall not be a part of this Constitution.

At such election the person voted for, for any one of the offices to be filled at such election, who shall receive the highest number of votes cast at said election, shall be declared elected to said office.

Sec. 6. At the same time and places of election there shall be held by the said qualified electors an election for the place of the temporary seat of government.

On each ballot, and on the same ballot on which are the matters voted for or against, as hereinbefore provided, shall be written or printed the words "For Temporary Seat of Government." (Here insert the name of the city, town or place to be voted for.)

And upon the canvass and return of the vote, made as hereinafter provided for, the name of the city, town or place, which shall have received the largest number of votes for said temporary seat of government, shall be declared by the Governor, chief justice and Secretary of the Territory of Dakota, or by any two of them, at the same time that they shall canvass the vote for or against the Constitution, together with the whole number of votes cast for each city, town or place, and the officers above named, shall immediately after the result of said election shall have been ascertained, issue a proclamation directing the Legislature elected at said election to assemble at said city, town or place so selected, on the day fixed by this schedule and ordinance.

Sec. 7. The election provided for herein shall be under the provisions of the Constitution herewith submitted, and shall be conducted in all respects as elections are conducted under the general laws of the Territory of Dakota, except as herein provided. No mere technicalities or informalities in the manner or form of election, or neglect of any officer to perform his duty with regard thereto, shall be deemed to vitiate or avoid the same, it being the true intent and object of this ordinance to ascertain and give effect to the true will of the people of the State of South Dakota, as expressed by their votes at the polls.

Sec. 8. Immediately after the election herein provided for, the judges of election at each voting place shall make a true and complete count of all the votes duly cast at such election, and shall certify and return the result of the same, with the names of all the candidates and the number of votes cast for each candidate, and the number of votes cast for and against the Constitution, and the number of votes cast for and against prohibition, and the number of votes cast for and against minority representation, and the number of votes cast for each city, town or place for the "temporary seat of government," to the county clerk or auditor of the respective counties, together with one of the poll lists and election books used in said election.

Sec. 9. Within five days after said election the several boards of county canvassers provided by law for the canvassing of the results of the election, shall make and certify to the Secretary of the Territory of Dakota the true and correct return of the total number of votes cast for the Constitution and against the Constitution, of the number of votes cast for and against "prohibition," and the number of votes cast for and against "minority representation," and the number of votes cast for each city, town or place as the "temporary seat of government," and of the number of votes cast for each person voted for at such election, except county officers and members of the Legislature, and shall transmit the same to the Secretary of the Territory of Dakota, by mail, and shall file with the county clerk or auditor of each of said counties a duplicate and certified copy of said return.

Said board of county canvassers shall issue certificates of election to the persons who shall have received the highest number of votes cast for the respective offices of judge of the County Court, and Representatives in the Legislature, and for State Senator or Senators.

Sec. 10. When two or more counties are connected in one senatorial or representative district, it shall be the duty of the clerks and auditors of the respective counties to attend at the office of the county clerk of the senior county in the date of organization within twenty days after the date of election, and they shall compare the votes given in the several counties comprising such senatorial and representative district, and such clerks or auditors shall immediately make out a certificate of election to the person having the highest number of votes in such district for State Senator or Representative or both; which certificate shall be delivered to the person entitled thereto on his application to the clerk of the senior county of such district.

Sec. 11. The Secretary of the Territory shall receive all returns of election transmitted to him as above provided, and shall preserve the same, and after they have been canvassed as hereinafter provided, and after the admission of the State of South Dakota into the Union, he shall deliver said returns to the proper State officer of said State of South Dakota.

Within fifteen days after said election the Secretary of the Territory, with the Governor and chief justice thereof, or any two of them, shall canvass such returns and certify the same to the President of the United States, as provided in the enabling act.

They shall also ascertain the total number of votes cast at such election for the Constitution and against the Constitution; the total number of votes cast for and against prohibition; and the total number of votes cast for and against minority representation; and the total number of votes cast for each city, town or place as the "temporary seat of government;" and the total number of votes cast for each person voted for, for any office at said election, excepting county judges and members of the Legislature, and shall declare the result of said election in conformity with such vote, and the Governor of the Territory shall thereupon issue a proclamation at once thereof.

They shall also make and transmit to the State Legislature, immediately upon its organization, a list of all the State and judicial officers who shall thus be ascertained to be duly elected.

The various county and district canvassing boards shall make and transmit to the Secretary of the Territory the names of all persons declared by them to be elected members of the Senate and House of Representatives of the State of South Dakota; he shall make separate lists of the Senators and Representatives so elected, which lists shall constitute the rolls under which the Senate and House of Representatives shall be organized.

The Governor of the Territory shall make and issue certificates of election to the persons who are shown by the canvass to have received the highest number of votes for Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Attorney-General, Superintendent of Public Instruction, Commissioner of School and Public Lands, and judges of the Supreme and Circuit Courts. Such certificates to be attested by the Secretary of the Territory.

Sec. 12. The apportionment made in this Constitution shall govern the elections above provided for for members of the State Legislature, until otherwise provided by law.

At the first election held under this ordinance for Senators and Representatives of the Legislature, there shall be elected forty-five Senators and one hundred and twenty-four Representatives in the State Legislature respectively.

Sec. 13. The Legislature elected under the provisions of this ordinance and Constitution shall assemble at the temporary seat

of government on the third Tuesday in October, in the year A. D. 1889, at twelve o'clock noon, and on the first day of their assemblage the Governor and other State officers shall take the oath of office in the presence of the Legislature. The oath of office shall be administered to the members of the Legislature and to the State officers by the chief justice of the Territory, or by any other officer duly authorized by the laws of the Territory of Dakota to administer oaths.

Sec. 14. Immediately after the organization of the Legislature and taking the oath of office by the State officers, the Legislature shall then and there proceed to the election of two Senators of the United States for the State of South Dakota, in the mode and manner provided by the laws of Congress for the election of United States Senators. And the Governor and the Secretary of the State of South Dakota shall certify the election of the said Senators and two Representatives in Congress, in the manner required by law.

Sec. 15. Immediately after the election of the United States Senators as above provided for, said Legislature shall adjourn to meet at the temporary seat of government on the first Tuesday after the first Monday of January, 1890, at twelve o'clock M.; Provided, however, That if the State of South Dakota has not been admitted by proclamation or otherwise at said date, then said Legislature shall convene within ten days after the date of the admission of the State into the Union.

Sec. 16. Nothing in this Constitution or schedule contained shall be construed to authorize the Legislature to exercise any powers except such as are necessary to its first organization, and to elect United States Senators, and to adjourn as above provided. Nor to authorize an officer of the executive, administrative or judiciary departments to exercise any duties of his office until the State of South Dakota shall have been regularly admitted into the Union, excepting such as may be authorized by the Congress of the United States.

Sec. 17. The ordinances and schedule enacted by this convention shall be held to be valid for all the purposes thereof.

Sec. 18. That we, the people of the State of South Dakota, do ordain:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this State shall ever be



molested in person or property on account of his or her mode of religious worship.

Second. That we, the people inhabiting the State of South Dakota, do agree and declare that we forever disclaim all right and title to the unappropriated public lands lying within the boundaries of South Dakota; and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands belonging to residents of this State. That no taxes shall be imposed by the State of South Dakota on lands or property therein belonging to or which may hereafter be purchased by the United States, or reserved for its use. But nothing herein shall preclude the State of South Dakota from taxing as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relation and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; all such lands which may have been exempted by any grant or law of the United States shall remain exempt to the extent and as prescribed by such act of Congress.

Third. That the State of South Dakota shall assume and pay that portion of the debts and liabilities of the Territory of Dakota as provided in this Constitution.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools which shall be opened to all the children of this State and free from sectarian control.

Fifth. That jurisdiction is ceded to the United States over the military reservations of Fort Mead, Fort Randall and Fort Sully, heretofore declared by the President of the United States: Provided, Legal process, civil and criminal, of this State shall extend over such reservations in all cases of which exclusive jurisdiction is not vested in the United States, or of crimes not committed within the limits of such reservations.

These ordinances shall be irrevocable without the consent of the United States, and also the people of the said State of South Dakota expressed by their Legislative Assembly.

Sec. 19. The tenure of all officers, whose election is provided for in this schedule on the first day of October, A. D. 1889, shall be as follows:

The Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Attorney-General, Superintendent of Public Instruction, Commissioner of School and Public Lands, judges of County Courts, shall hold their respective offices until the first Tuesday after the first Monday in January, A. D. 1891, at twelve o'clock M., and until their successors are elected and qualified.

The judges of the Supreme Court and Circuit Courts shall hold their offices until the first Tuesday after the first Monday in January, A. D. 1894, at twelve o'clock M., and until their successors are elected and qualified; subject to the provisions of section 26 of article V of the Constitution.

The terms of office of the members of the Legislature elected at the first election held under the provisions of this Constitution shall expire on the first Tuesday after the first Monday in January, one thousand eight hundred and ninety-one (1891).

Sec. 20. That the first general election under the provisions of this Constitution shall be held on the first Tuesday after the first Monday in November, 1890, and every two years thereafter.

Sec. 21. The following form of ballot is adopted:

#### CONSTITUTIONAL TICKET.

##### *Instructions to Voters.*

All persons desiring to vote for the Constitution, or for any of the articles submitted to a separate vote, may erase the word "No."

All persons who desire to vote against the Constitution or any articles separately submitted may erase the word "Yes."

For the Constitution: Yes. No.

For Prohibition: Yes. No.

For Minority Representation: Yes. No.

For \_\_\_\_\_ as the Temporary Seat of Government.

For Governor.

.....

For Lieutenant-Governor.

.....

For Secretary of State.

For Auditor.

For Treasurer.

For Attorney-General.

For Superintendent of Public Instruction.

For Commissioner of School and Public Lands.

For Judges of the Supreme Court.

First District

Second District

Third District

For Judge of the Circuit Court, ———— Circuit.

For Representatives in Congress.

For State Senator.

For Representative in the Legislature.

For County Judge.

Sec. 22. This Constitution shall be enrolled and after adoption and signing by the convention shall be delivered to Hon. A. J. Edgerton, the President of the Constitutional Convention, for safe-keeping, and by him to be delivered to the Secretary of State as soon as he assumes the duties of his office, and printed copies thereof shall be prefixed to books containing the laws of the State, and all future editions thereof.

The President of this convention shall also supervise the making of the copy that must be sent to the President of the United States; said copy is to be certified by the President and chief clerk of this convention.

Sec. 23. "The agreement made by the joint commission of the constitutional conventions of North and South Dakota con-

cerning the records, books and archives of the Territory of Dakota is hereby ratified and confirmed, which agreement is in the words following: That is to say:"

The following books, records and archives of the Territory of Dakota shall be the property of North Dakota, to wit:

All records, books and archives in the offices of the Governor and Secretary of the Territory (except records of articles of incorporation of domestic corporations, returns of election of delegates to the constitutional convention of 1889, for South Dakota, returns of elections held under the so-called local option law in counties within the limits of South Dakota, bonds of notaries public appointed for counties within the limits of South Dakota, papers relating to the organization of counties situate within the limits of South Dakota, all of which records and archives are part of the records and archives of said Secretary's office; excepting also census returns from counties situate within the limits of South Dakota and papers relating to requisitions issued upon the application of officers of counties situate within the limits of South Dakota, all of which are part of the records and archives of said Governor's office).

And the following records, books and archives shall also be the property of the State of North Dakota, to wit:

Vouchers in the office or in the custody of the Auditor of this Territory relating to expenditures on account of public institutions, grounds or buildings situate within the limits of North Dakota; one warrant register in the office of the Treasurer of this Territory, being a record of warrants issued under and by virtue of chapter twenty-four of the laws enacted by the Eighteenth Legislative Assembly of Dakota Territory; all letters, receipts and vouchers in the same office now filed by counties and pertaining to counties within the limits of North Dakota; paid and canceled coupons in the same office representing interest on bonds which said State of North Dakota is to assume and pay; reports of gross earnings of the year 1888 in the same office, made by corporations operating lines of railroad situated wholly or mainly within the limits of North Dakota; records and papers of the office of the public examiner of the second district of the Territory; records and papers of the office of the second district board of agriculture; records and papers in the office of the board of pharmacy of the district of North Dakota.

All records, books and archives of the Territory of Dakota which it is not herein agreed shall be the property of North Dakota, shall be the property of South Dakota.

The following books shall be copied and the copies shall be the property of North Dakota, and the cost of such copies shall be borne equally by the said States of North Dakota and South Dakota. That is to say:

Appropriation ledger for the years ending November, 1889 and 1890 — one volume.

The current warrant auditor's register — one volume.

Insurance record for 1889 — one volume.

Treasurer's cash book "D."

Assessment ledger "B."

Dakota Territory bond register—one volume.

Treasurer's current ledger — one volume.

The originals of the foregoing volumes which are to be copied, shall at any time after such copying shall have been completed, be delivered on demand to the proper authorities of the State of South Dakota.

All other records, books and archives which it is hereby agreed shall be the property of South Dakota shall remain at the capital of North Dakota until demanded by the Legislature of the State of South Dakota, and until the State of North Dakota shall have had a reasonable time after such demand is made to provide copies or abstracts of such portions thereof as the said State of North Dakota may desire to have copies or abstracts of.

The State of South Dakota may also provide copies or abstracts of such records, books and archives which is agreed shall be the property of North Dakota as said State of South Dakota shall desire to have copies or abstracts of.

The expense of all copies or abstracts of records, books and archives which it is herein agreed may be made, shall be borne equally by said two States.

ALONZO J. EDGERTON,

President of the Constitutional Convention.

Attest: F. A. BURDICK, Chief Clerk.



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CONSTITUTION  
OF THE  
STATE OF TENNESSEE.

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# CONSTITUTION OF THE STATE OF TENNESSEE.

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## Article

1. Declaration of rights.
2. Distribution of powers.
3. Executive department.
4. Elections.
5. Impeachments.
6. Judicial department.
7. State and county officers.
8. Militia.
9. Disqualifications.
10. Oaths, bribery of elections, new counties.
11. Miscellaneous provisions.  
The schedule.

## ARTICLE I.

### *Bill of Rights.*

## Section

### Preamble.

1. All power is inherent in the people.
2. The government is instituted for the common benefit.
3. Freedom of religious thought and worship.
4. No political or religious test should be required as a qualification of office.
5. All elections to be free and equal, and the right of suffrage never denied.
6. The right of trial by jury shall remain inviolate.
7. The people shall be secure from unreasonable searches and seizures.
8. No man shall be deprived of his life, liberty or property but by the judgment of his peers or the law of the land.
9. In all criminal prosecutions the accused has the right to be heard for himself.
10. No person shall be put in jeopardy twice for the same offense.
11. No ex post facto laws shall be made.

## Section

12. No conviction shall work corruption of blood or forfeiture of estate.
13. No person arrested and confined in jail shall be treated with unnecessary rigor.
14. No person shall be put to answer any criminal charge but by presentment, indictment or impeachment.
15. All prisoners shall be bailable, except for capital offenses.
16. Excessive bails or fines shall not be required.
17. All courts shall be open and justice shall be administered without delay.
18. No person shall be imprisoned for debt.
19. The printing presses shall be free to every person to examine the proceedings of the Legislature.
20. No law impairing the obligation of contracts shall be made.
21. No man's services or property shall be taken without just compensation being made therefor.
22. Perpetuities and monopolies shall not be allowed.
23. The people have a right to assemble in a peaceable manner to consult for the common good.
24. There shall be a militia.—No standing army.
25. No person shall be subject to military law except those employed in the army or militia.
26. The citizens have the right to keep and bear arms for their common defense.
27. No soldier shall, in the time of peace, be quartered in any

**Section**

house without the consent of the owner.

28. No person shall be compelled to bear arms, provided he will pay an equivalent.
29. An equal participation in the free navigation of the Mississippi is one of the inherent rights of the citizens of the State.
30. No hereditary emoluments, privileges or honors shall ever be granted or conferred in this State.
31. The boundary of the State shall be as follows.
32. The erection of safe and comfortable prisons shall be provided for.
33. Slavery and involuntary servitude are forever prohibited in this State.
34. The General Assembly shall make no law recognizing the right of property in man.

**ARTICLE II.***Distribution of Powers.*

1. The powers of the government shall be the legislative, executive and judicial.
2. No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to any of the others.

*Legislative Department.*

3. The Legislative authority of this State shall be vested in a General Assembly.
4. An enumeration of the qualified voters and an apportionment of the Representatives in the General Assembly.
5. The number of representatives shall be.
6. The number of Senators shall be.
7. The first election of Senators

**Section**

and Representatives shall be held.

8. When the first session of the General Assembly shall commence.
9. Qualifications necessary to become a Representative.
10. Qualifications necessary to become a Senator.
11. The Senate and House of Representatives shall each choose a speaker.---Two-thirds in each house shall constitute a quorum.
12. Each house may determine the rules of its proceedings, punish its members for disorderly conduct and expel a member by a two-thirds vote.
13. When Senators and Representatives shall be privileged from arrest.
14. Each house may punish by imprisonment any person not a member, who shall be guilty of disrespect to the house.
15. The Governor shall have power to fill vacancies.
16. In regard to the adjournment of the two houses.
17. Bills may originate in either house.---No bill shall embrace more than one subject.
18. Every bill shall be read once on three different days.
19. No bill shall be passed after it has been rejected (during the same session).
20. The style of the laws of this State shall be.
21. Each house shall keep a journal of its proceedings.
22. The doors of each house shall be kept open.
23. In regard to the salary of the members of the General Assembly.
24. No money shall be drawn from the treasury, except by appropriation.

Section

25. In regard to the eligibility of members of the General Assembly.
26. No person holding any other office under the government shall have a seat in the General Assembly.
27. Any member of either house of the General Assembly shall have the liberty to protest against any act.
28. All property, real, personal or mixed, shall be taxed.
29. The General Assembly shall have the power to authorize the several counties and incorporated towns in this State to impose taxes.
30. No article manufactured in this State shall be taxed.
31. The credit of this State shall not be loaned or given.
32. No convention or General Assembly of this State shall act upon any amendment of the Constitution of the United States proposed by Congress to the several States.
33. No bonds of this State shall be issued to any railroad company.

ARTICLE III.

*Executive Department.*

1. The supreme executive power of this State shall be vested in the Governor.
2. The Governor shall be chosen by the electors of the members of the General Assembly.
3. The Governor shall be at least thirty years of age.
4. His term of office.
5. He shall be Commander-in-Chief of the army and navy of this State.
6. He shall have the power to grant reprieves and pardons.
7. His compensation.
8. He may require information in writing from the members of the executive department.

Section

9. He may on extraordinary occasions convene the General Assembly.
10. He shall see that the laws are faithfully executed.
11. He shall give the General Assembly information on such matters as he shall judge expedient.
12. In case of the removal of the Governor from office.
13. No person holding any other office under the government shall execute the office of Governor.
14. The Governor shall have the power to fill vacancies.
15. The seal of the State.
16. All grants and commissions shall be sealed with the State seal and signed by the Governor.
17. A Secretary of State shall be appointed by joint vote of the General Assembly.
18. Every bill shall be signed by the Governor.

ARTICLE IV.

*Electors.*

1. Qualifications necessary to vote.
2. Laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes.
3. When electors are privileged from arrest.
4. In all elections of the General Assembly the members thereof shall vote viva voce.

ARTICLE V.

*Impeachments.*

1. The House of Representatives shall have the sole power of impeachment.
2. All impeachments shall be tried by the Senate.
3. The House of Representatives shall elect three members, whose duty it shall be to prosecute impeachments.
4. Who shall be liable to impeachment.

## Section

5. Justices of the peace and other officers not hereinbefore mentioned shall be liable to indictment.

## ARTICLE VI.

*Judicial Department.*

1. The judicial power of this State shall be vested in the Supreme Court.
2. The Supreme Court shall consist of five judges.
3. The judges of the Supreme Court shall be elected by the qualified voters of the State.
4. How the judges of the Circuit and Chancery Courts, etc., shall be elected.
5. An Attorney-General and reporter for the State shall be appointed by the judges of the Supreme Court.
6. The judges and attorneys for the State may be removed from office by a concurrent vote of both houses.
7. Compensation of the judges of the Supreme and Inferior Courts.
8. The jurisdiction of the Circuit, Chancery and other inferior courts.
9. How judges shall charge juries.
10. Power of judges and justices of inferior courts.
11. No judge of the Supreme or inferior courts shall preside at the trial of any cause in which he may be interested.
12. All writs and other process shall run in the name of the State of Tennessee.
13. Judges of the Supreme Court shall appoint their clerks.
14. In regard to the fines to be levied.
15. The different counties in this State shall be laid off as the General Assembly shall direct.

## ARTICLE VII.

*State and County Officers.*

## Section

1. In regard to the election of county officers.
2. Who shall have power to fill vacancies.
3. The General Assembly shall elect a Treasurer and a Comptroller of the Treasury.
4. The election of all officers to fill vacancies not heretofore provided for shall be made as the Legislature may direct.
5. When the elections for judicial and other civil officers shall be held.—The term of each office so elected.

## ARTICLE VIII.

*Militia.*

1. All militia officers shall be elected by persons subject to military duty.
2. The Governor shall have power to appoint the Adjutant-Generals and his other staff officers.
3. The Legislature shall pass laws exempting citizens opposed to bearing arms from attending private and general musters.

## ARTICLE IX.

*Disqualifications.*

1. Ministers of the gospel, etc., are not eligible to a seat in either house of the Legislature.
2. No persons who deny the being of God shall hold any civil office.
3. Duelling disqualifies for office.

## ARTICLE X.

*Oaths, Bribery of Elections, New Counties.*

1. Every person before entering upon the duties of office, shall take the oath of office.
2. Each member of the Senate and House of Representatives shall before they proceed to busi-

Section

ness, take the oath or affirmation.

1. In regard to bribes.
4. New counties may be established by the Legislature.
5. In regard to the voting of citizens who may be included in any new county.

ARTICLE XI.

*Miscellaneous Provisions.*

1. All laws now in force shall remain until they expire or are repealed.
2. In regard to the validity of debts or contracts.
3. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives.
4. In regard to the granting of divorces.
5. Lotteries illegal.
6. The Legislature shall have no power to change the names of persons.
7. The Legislature shall fix the rate of interest, which shall be uniform throughout the State.
8. The Legislature shall have no power to suspend any general law for the benefit of any particular individual.
9. The power of the Legislature in regard to private and local matters.

Section

10. In regard to a system of internal improvement.
11. In regard to the possession of a homestead.— Shall be exempt from sale under legal process during the life of the head of a family.
12. In regard to education, literature and science.
13. In regard to fish and game laws within the State.
14. In regard to the intermarriage of white persons with negroes.
15. No person shall, in time of peace, be required to perform any service to the public.
16. The declaration of rights, hereto prefixed, is declared to be a part of the Constitution.
17. In regard to county offices created by the Legislature.

THE SCHEDULE.

1. In regard to the term of office of the State officers.
2. At the first election of judges under this Constitution there shall be elected six judges of the Supreme Court.— In regard to a vacancy.— The Attorney-General and reporter of the State.
3. Every judge and officer of the executive department shall take the oath of office.
4. In regard to the statutes of limitation.

PREAMBLE.

Whereas, The people of the territory of the United States south of the River Ohio, having the right of admission into the general government as a member State thereof, consistent with the Constitution of the United States and the act of cession of the State of North Carolina, recognizing the ordinance for the government of the territory of the United States north-west of the Ohio river, by their delegates and representatives in convention assembled, did, on the sixth day of February, in the year of our Lord one thousand seven hundred and ninety-six, ordain and establish a Constitution or form of government, and

mutually agreed with each other to form themselves into a free and independent State by the name of the State of Tennessee; and

Whereas, The General Assembly of the said State of Tennessee (pursuant to the third section of the tenth article of the Constitution), by an act passed on the 27th day of November, in the year of our Lord one thousand eight hundred and thirty-three, entitled "An act to provide for the calling of a convention, passed in obedience to the declared will of the voters of the State, as expressed at the general election of August, in the year of our Lord one thousand eight hundred and thirty-three, did authorize and provide for the election by the people of delegates and representatives, to meet at Nashville, in Davidson county, on the third Monday in May, in the year of our Lord one thousand eight hundred and thirty-four, for the purpose of revising and amending or changing the Constitution; and said convention did accordingly meet and form a Constitution, which was submitted to the people, and was ratified by them on the first Friday in March in the year of our Lord one thousand eight hundred and thirty-five; and

Whereas, The General Assembly of said State of Tennessee, under, and in virtue of the first section of the first article of the Declaration of Rights, contained in and forming a part of the existing Constitution of the State, by an act passed on the 15th day of November, in the year of our Lord, one thousand eight hundred and sixty-nine, did provide for the calling of a convention by the people of the State, to meet at Nashville on the second Monday in January, in the year of our Lord, one thousand eight hundred and seventy, and for the election of delegates for the purpose of amending or revising the present Constitution, or of forming and making a new Constitution; and

Whereas, The people of the State, in the mode provided by said act, have called said convention, and elected delegates to represent them therein: Now, therefore

We, the delegates and representatives of the people of the State of Tennessee, duly elected and in convention assembled, in pursuance of said act of Assembly, have ordained and established the following Constitution and form of government for this State, which we recommend to the people of Tennessee for their ratification: That is to say—

## ARTICLE I.

*Declaration of Rights.*

Section 1. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for the advancement of those ends they have at all times an unalienable and indefeasible right to alter, reform or abolish the government in such manner as they may think proper.

Sec. 2. That government being instituted for the common benefit, the doctrine for non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

Sec. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any minister against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law, to any religious establishment or mode of worship.

Sec. 4. That no political or religious test, other than an oath to support the Constitution of the United States and of this State, shall ever be required as a qualification to any office or public trust under this State.

Sec. 5. That elections shall be free and equal, and the right of suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon a conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by a court of competent jurisdiction.

Sec. 6. That the right of trial by jury shall remain inviolate, and no religious or political test shall ever be required as a qualification for jurors.

Sec. 7. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

Sec. 8. That no man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or.

in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers or the law of the land.

Sec. 9. That in all criminal prosecutions, the accused hath the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

Sec. 10. That no person shall, for the same offense, be twice put in jeopardy of life or limb.

Sec. 11. That laws made for the punishment of acts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore no ex post facto law shall be made.

Sec. 12. That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives, shall descend or vest, as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

Sec. 13. That no person arrested and confined in jail shall be treated with unnecessary rigor.

Sec. 14. That no person shall be put to answer any criminal charge but by presentment, indictment or impeachment.

Sec. 15. That all prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or the presumption great. And the privilege of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the General Assembly shall declare the public safety requires it.

Sec. 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 17. That all courts shall be open; and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the State in such manner and in such courts as the legislature may, by law, direct.

Sec. 18. The legislature shall pass no law authorizing imprisonment for debt in civil cases.



Sec. 19. That the printing presses shall be free to every person to examine the proceedings of the legislature, or of any branch or officer of the government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of men, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libel, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other criminal cases.

Sec. 20. That no retrospective law, or law impairing the obligation of contracts, shall be made.

Sec. 21. That no man's particular services shall be demanded, or property taken or applied to public use, without the consent of his representatives, or without just compensation being made therefor.

Sec. 22. That perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed.

Sec. 23. That the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address or remonstrance.

Sec. 24. That the sure and certain defense of a free people is a well regulated militia; and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases, the military shall be kept in strict subordination to the civil authority.

Sec. 25. That no citizen of this State, except such as are employed in the army of the United States, or militia in active service, shall be subjected to punishment under the martial or military law. That martial law, in the sense of the unrestricted power of military officers or others, to dispose of the persons, liberties or property of the citizen, is inconsistent with the principles of free government, and is not confided to any department of the government of this State.

Sec. 26. That the citizens of this State have a right to keep and to bear arms for their common defense. But the legislature

shall have power, by law, to regulate the wearing of arms with a view to prevent crime.

Sec. 27. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.

Sec. 28. That no citizen of this State shall be compelled to bear arms, provided he will pay an equivalent, to be ascertained by law.

Sec. 29. That an equal participation in the free navigation of the Mississippi is one of the inherent rights of the citizens of this State; it cannot, therefore, be conceded to any prince, potentate, power, person, or persons whatever.

Sec. 30. That no hereditary emoluments, privileges or honors shall ever be granted or conferred in this State.

Sec. 31. That the limits and boundaries of this State being ascertained, it is declared they are as hereafter mentioned, that is to say: Beginning on the extreme height of the Stone mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degrees and thirty minutes north; running thence along the extreme height of the said mountain to the place where Watauga river breaks through it; thence a direct course to the top of the Yellow mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe river and the waters of Rock creek, to the place where the road crosses the Iron mountain; from thence along the extreme height of said mountain, to the place where Nolichucky river runs through the same; thence to the top of the Bald mountain; thence along the extreme height of said mountain to the Painted Rock, on French Broad river; thence along the highest ridge of said mountain to the place where it is called the Great Iron or Smoky mountain; thence along the extreme height of said mountain to the place where it is called Unicoi or Unaka mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain to the southern boundary of this State, as described in the act of cession of North Carolina to the United States of America; and that all the territory, lands and waters lying west of the said line, as before mentioned, and contained within the chartered limits of the State of North Carolina, are within the boundaries and limits of this State, over which the people have the right of exercising sovereignty, and the right of soil, so far as is consistent with the Constitution of the United States.

recognizing the Articles of Confederation, the Bill of Rights, and Constitution of North Carolina, the cession act of the said State, and the ordinance of Congress for the government of the territory north-west of the Ohio. Provided, Nothing herein contained shall extend to affect the claim or claims of individuals to any part of the soil which is recognized to them by the aforesaid cession act: And provided, also, That the limits and jurisdiction of this State shall extend to any other land and territory now acquired, or that may hereafter be acquired, by compact or agreement with other States or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

Sec. 32. That the erection of safe and comfortable prisons, the inspection of prisons, and the humane treatment of prisoners, shall be provided for.

Sec. 33. That slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are forever prohibited in this State.

Sec. 34. The General Assembly shall make no law recognizing the right of property in man.

## ARTICLE II.

### *Distribution of Powers.*

Section 1. The powers of the government shall be divided into three distinct departments: The legislative, executive and judicial.

Sec. 2. No person or persons belonging to one of the departments shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed or permitted.

### *Legislative Department.*

Sec. 3. The legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both dependent on the people, who shall hold their offices for two years from the day of the general election.

Sec. 4. An enumeration of the qualified voters, and an apportionment of the Representatives in the General Assembly, shall be made in the year one thousand eight hundred and seventy-one, and within every subsequent term of ten years.

Sec. 5. The number of Representatives shall, at the several periods of making the enumeration, be apportioned among the

house, and shall have received on its final passage, in each house, the assent of a majority of all the members to which that house shall be entitled under this Constitution, and shall have been signed by the respective speakers in open session — the fact of such signing to be noted on the journal; and shall have received the approval of the Governor, or shall have been otherwise passed under the provisions of this Constitution.

Sec. 19. After a bill has been rejected, no bill containing the same substance shall be passed into a law during the same session.

Sec. 20. The style of the laws of this State shall be, "Be it enacted by the General Assembly of the State of Tennessee." No law of a general nature shall take effect until forty days after its passage, unless the same or the caption shall state that the public welfare requires that it should take effect sooner.

Sec. 21. Each house shall keep a journal of its proceedings, and publish it, except such parts as the welfare of the State may require to be kept secret; the ayes and noes shall be taken in each house upon the final passage of every bill of a general character, and bills making appropriations of public moneys; and the ayes and noes of the members on any question, shall, at the request of any five of them, be entered on the journal.

Sec. 22. The doors of each house and of committees of the whole shall be kept open, unless when the business shall be such as ought to be kept secret.

Sec. 23. The sum of four dollars per day, and four dollars for every twenty-five miles traveling to and from the seat of government shall be allowed to the members of each General Assembly elected after the ratification of this Constitution, as a compensation for their services. But no member shall be paid for more than seventy-five days of a regular session, or for more than twenty days of any extra or called session; or for any day when absent from his seat in the legislature, unless physically unable to attend. The Senators, when sitting as a court of impeachment, shall each receive four dollars per day of actual attendance.

Sec. 24. No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at the rise of each stated session of the General Assembly.

Sec. 25. No person who heretofore hath been, or may hereafter be, a collector or holder of public moneys, shall have a seat in either house of the General Assembly, or hold any other office under the State government, until such person shall have accounted for and paid into the treasury all sums for which he may be accountable or liable.

Sec. 26. No judge of any court of law or equity, Secretary of State, Attorney-General, Register, clerk of any court of record, or person holding any office under the authority of the United States, shall have a seat in the General Assembly, nor shall any person in this State hold more than one lucrative office at the same time: Provided, That no appointment in the militia, or to the office of justice of the peace, shall be considered a lucrative office, or operative as a disqualification to a seat in either house of the General Assembly.

Sec. 27. Any member of either house of the General Assembly shall have liberty to dissent from and protest against any act or resolve which he may think injurious to the public or to any individual, and to have the reasons for his dissent entered on the journals.

Sec. 28. All property, real, personal or mixed, shall be taxed, but the legislature may except such as may be held by the State by counties, cities or towns, and used exclusively for public or corporation purposes, and such as may be held and used for purposes purely religious, charitable, scientific, literary or educational, and shall except one thousand dollars' worth of personal property in the hands of each taxpayer, and the direct product of the soil in the hands of the producer and his immediate vendee. All property shall be taxed according to its value, that value to be ascertained in such manner as the legislature shall direct, so that taxes shall be equal and uniform throughout the State. No one species of property from which a tax may be collected shall be taxed higher than any other species of property of the same value. But the legislature shall have power to tax merchants, peddlers, and privileges in such manner as they may from time to time direct.

The portion of a merchant's capital used in the purchase of merchandise sold by him to non-residents and sent beyond the State, shall not be taxed at a rate higher than the ad valorem tax on property.

The legislature shall have the power to levy a tax upon incomes derived from stocks and bonds that are not taxed ad valorem.

All male citizens of this State over the age of twenty-one years, except such persons as may be exempted by law on account of age or other infirmity, shall be liable to a poll tax of not less than fifty cents nor more than one dollar per annum. Nor shall any county or corporation levy a poll tax exceeding the amount levied by the State.

Sec. 29. The General Assembly shall have power to authorize the several counties and incorporated towns in this State, to impose taxes for county and corporation purposes respectively, in such manner as shall be prescribed by law; and all property shall be taxed according to its value, upon the principles established in regard to State taxation. But the credit of no county, city or town shall be given or loaned to or in aid of any person, company, association or corporation, except upon an election to be first held by the qualified voters of such county, city or town, and the assent of three-fourths of the votes cast at said election. Nor shall any county, city or town become a stockholder with others in any company, association or corporation, except upon a like election and the assent of a like majority. But the counties of Grainger, Hawkins, Hancock, Union, Campbell, Scott, Morgan, Grundy, Sumner, Smith, Fentress, Van Buren, White, Putnam, Overton, Jackson, Cumberland, Anderson, Henderson, Wayne, Marshall, Cocke, Coffee, Macon, and the new county herein authorized to be established out of fractions of Sumner, Macon and Smith counties, and Roane, shall be excepted out of the provisions of this section, so far that the assent of a majority of the qualified voters of either of said counties voting on the question shall be sufficient, when the credit of such county is given or loaned to any person, association or corporation. Provided, That the exception of the counties above named shall not be in force beyond the year one thousand eight hundred and eighty, and after that period they shall be subject to the three-fourths majority applicable to the other counties of the State.

Sec. 30. No article manufactured of the produce of this State shall be taxed otherwise than to pay inspection fees.

Sec. 31. The credit of this State shall not be hereafter loaned or given to or in aid of any person, association, company, corporation, or municipality, nor shall the State become the owner, in whole or in part, of any bank, or a stockholder with others in any association, company, corporation, or municipality.

Sec. 32. No convention or General Assembly of this State shall act upon any amendment of the Constitution of the United States proposed by Congress to the several States; unless such convention or General Assembly shall have been elected after such amendment is submitted.

Sec. 33. No bonds of the State shall be issued to any railroad company which, at the time of its application for the same, shall be in default in paying the interest upon the State bonds previously loaned to it, or that shall hereafter and before such application, sell or absolutely dispose of any State bonds loaned to it for less than par.

### ARTICLE III.

#### *Executive Department.*

Section 1. The supreme executive power of this State shall be vested in a Governor.

Sec. 2. The Governor shall be chosen by the electors of the members of the General Assembly, at the time and places where they shall respectively vote for the members thereof. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the speaker of the Senate, who shall open and publish them in the presence of a majority of the members of each house of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint vote of both houses of the General Assembly. Contested elections for Governor shall be determined by both houses of the General Assembly, in such manner as shall be prescribed by law.

Sec. 3. He shall be at least thirty years of age, shall be a citizen of the United States, and shall have been a citizen of this State seven years next before his election.

Sec. 4. The Governor shall hold his office for two years, and until his successor shall be elected and qualified. He shall not be eligible more than six years in any term of eight.

Sec. 5. He shall be Commander-in-Chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States; but the militia shall not be called into service except in case of rebellion or invasion, and then only when the General Assembly shall declare by law that the public safety requires it.

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Sec. 5. He shall be Commander-in-Chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States; but the militia shall not be called into service except in case of rebellion or invasion, and then only when the General Assembly shall declare by law that the public safety requires it.

Sec. 6. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment.

Sec. 7. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the period for which he shall have been elected.

Sec. 8. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Sec. 9. He may, on extraordinary occasions, convene the General Assembly by proclamation, in which he shall state specifically the purposes for which they are to convene; but they shall enter on no legislative business except that for which they were specifically called together.

Sec. 10. He shall take care that the laws be faithfully executed.

Sec. 11. He shall, from time to time, give to the General Assembly information of the state of the government, and recommend for their consideration such measures as he shall judge expedient.

Sec. 12. In case of the removal of the Governor from office, or of his death or resignation, the powers and duties of the office shall devolve on the speaker of the Senate; and in case of the death, removal from office, or resignation of the speaker of the Senate, the powers and duties of the office shall devolve on the speaker of the House of Representatives.

Sec. 13. No member of Congress, or person holding any office under the United States, or this State, shall execute the office of Governor.

Sec. 14. When any officer, the right of whose appointment is by this Constitution vested in the General Assembly, shall, during the recess, die, or the office, by the expiration of the term, or by other means, become vacant, the Governor shall have power to fill such vacancy by granting a temporary commission, which shall expire at the end of the next session of the legislature.

Sec. 15. There shall be a seal of this State, which shall be kept by the Governor and used by him officially, and shall be called the Great Seal of the State of Tennessee.

Sec. 16. All grants and commissions shall be in the name and by the authority of the State of Tennessee, be sealed with the State seal and signed by the Governor.

Sec. 17. A Secretary of State shall be appointed by joint vote of the General Assembly, and commissioned during the term of

four years; he shall keep a fair register of all the official acts and proceedings of the Governor; and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before the General Assembly; and shall perform such other duties as shall be enjoined by law.

Sec. 18. Every bill which may pass both houses of the General Assembly, shall, before it becomes a law, be presented to the Governor for his signature. If he approve, he shall sign it, and the same shall become a law; but if he refuse to sign it, he shall return it, with his objections thereto in writing, to the house in which it originated; and said house shall cause said objections to be entered at large upon its journal, and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, notwithstanding the objections of the executive, it shall be sent, with said objections, to the other house, by which it shall likewise be reconsidered. If approved by a majority of the whole number elected to that house, it shall become a law. The votes of both houses shall be determined by yeas and nays, and the names of all the members voting for or against the bill shall be entered upon the journals of their respective houses. If the Governor shall fail to return any bill, with his objections, within five days (Sundays excepted) after it shall have been presented to him, the same shall become a law without his signature, unless the General Assembly, by its adjournment prevents its return, in which case it shall not become a law. Every joint resolution or order (except on questions of adjournment) shall likewise be presented to the Governor for his signature, and before it shall take effect shall receive his signature; and on being disapproved by him, shall, in like manner, be returned with his objections; and the same, before it shall take effect, shall be repassed by a majority of all the members elected to both houses, in the manner and according to the rules prescribed in case of a bill.

#### ARTICLE IV.

##### *Elections.*

Section 1. Every male person of the age of twenty-one years, being a citizen of the United States, and a resident of this State for twelve months, and of the county wherein he may offer his vote for six months next preceding the day of election, shall be entitled to vote for members of the General Assembly, and other

civil officers for the county or district in which he resides; and there shall be no qualification attached to the right of suffrage, except that each voter shall give to the judges of election, where he offers to vote, satisfactory evidence that he has paid his poll taxes assessed against him for such preceding period as the legislature shall prescribe, and at such time as may be prescribed by law; without which his vote cannot be received. And all male citizens of the State shall be subject to the payment of poll taxes and the performance of military duty within such ages as may be prescribed by law. The General Assembly shall have power to enact laws requiring voters to vote in the election precincts in which they may reside, and laws to secure the freedom of elections and the purity of the ballot-box.

Sec. 2. Laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes.

Sec. 3. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest or summons, during their attendance at elections, and in going to and returning from them.

Sec. 4. In all elections to be made by the General Assembly, the members thereof shall vote viva voce, and their votes shall be entered on the journal. All other elections shall be by ballot.

## ARTICLE V.

### *Impeachments.*

Section 1. The House of Representatives shall have the sole power of impeachment.

Sec. 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and the chief justice of the Supreme Court, or if he be on trial, the senior associate judge shall preside over them. No person shall be convicted without the concurrence of two-thirds of the Senators sworn to try the officer impeached.

Sec. 3. The House of Representatives shall elect, from their own body, three members, whose duty it shall be to prosecute impeachments. No impeachment shall be tried until the Legislature shall have adjourned sine die, when the Senate shall proceed to try such impeachment.

Sec. 4. The Governor, judges of the Supreme Court, judges of the inferior courts, chancellors, attorneys for the State, Treasurer, Comptroller and Secretary of State, shall be liable to impeachment

whenever they may, in the opinion of the House of Representatives commit any crime in their official capacity which may require disqualification; but judgment shall only extend to removal from office, and disqualification to fill any office thereafter. The party shall, nevertheless, be liable to indictment, trial, judgment and punishment according to law. The legislature now has, and shall continue to have, power to relieve from the penalties imposed, any person disqualified from holding office by the judgment of a Court of Impeachment.

Sec. 5. Justices of the peace and other civil officers, not herein-before mentioned, for crimes or misdemeanors in office, shall be liable to indictment in such courts as the legislature may direct; and, upon conviction, shall be removed from office by said court, as if found guilty on impeachment; and shall be subject to such other punishment as may be prescribed by law.

#### ARTICLE VI.

##### *Judicial Department.*

Section 1. The judicial power of this State shall be vested in one Supreme Court, and in such Circuit, Chancery and other inferior courts as the legislature shall, from time to time, ordain and establish, in the judges thereof, and in justices of the peace. The legislature may also vest such jurisdiction in Corporation Courts as may be deemed necessary; courts to be holden by justices of the peace may also be established.

Sec. 2. The Supreme Court shall consist of five judges, of whom not more than two shall reside in any one of the grand divisions of the State. The judges shall designate one of their own number who shall preside as chief justice. The concurrence of three of the judges shall, in every case, be necessary to a decision. The jurisdiction of this court shall be appellate only, under such restrictions and regulations as may, from time to time, be prescribed by law; but it may possess such other jurisdiction as is now conferred by law on the present Supreme Court; said court shall be held at Knoxville, Nashville and Jackson.

Sec. 3. The judges of the Supreme Court shall be elected by the qualified voters of the State. The legislature shall have power to prescribe such rules as may be necessary to carry out the provisions of section 2 of this article. Every judge of the Supreme Court shall be thirty-five years of age, and shall, before his election, have been a resident of the State for five years. His term of service shall be eight years.

Sec. 4. The judges of the Circuit and Chancery Courts, and of other inferior courts, shall be elected by the qualified voters of the district or circuit to which they are to be assigned. Every judge of such courts shall be thirty years of age, and shall, before his election, have been a resident of the State for five years, and of the circuit or district one year. His term of service shall be eight years.

Sec. 5. An Attorney-General and Reporter for the State shall be appointed by the judges of the Supreme Court, and shall hold his office for a term of eight years. An Attorney for the State for any circuit or district for which a judge having criminal jurisdiction shall be provided by law, shall be elected by the qualified voters of such circuit or district, and shall hold his office for a term of eight years, and shall have been a resident of the State for five years, and of the circuit or district, one year. In all cases where the attorney for any district fails or refuses to attend and prosecute according to law, the court shall have power to appoint an attorney pro tempore.

Sec. 6. Judges and attorneys for the State may be removed from office by a concurrent vote of both houses of the General Assembly, each house voting separately; but two-thirds of the members to which each house may be entitled must concur in such vote; the vote shall be determined by ayes and noes, and the names of the members voting for or against the judge or attorney for the State, together with the cause or causes of removal, shall be entered on the journal of each house, respectively. The judge or attorney for the State, against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least ten days before the day on which either house of the General Assembly shall act thereupon.

Sec. 7. The judges of the Supreme or inferior courts shall, at stated times, receive a compensation for their services, to be ascertained by law, which shall not be increased or diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any office of trust or profit under this State or the United States.

Sec. 8. The jurisdiction of the Circuit, Chancery and other inferior courts shall be as now established by law, until changed by the Legislature.

Sec. 9. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

Sec. 10. The judges or justices of inferior courts of law and equity shall have power in civil cases to issue writs of certiorari; to remove any cause, or the transcript of the record thereof, from any inferior jurisdiction in such court of law, on sufficient cause, supported by oath or affirmation.

Sec. 11. No judge of the Supreme or inferior courts shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been of counsel, or in which he may have presided in any inferior court, except by consent of all the parties. In case all or any of the judges of the Supreme Court shall be thus disqualified from presiding on the trial of any cause or causes, the court, or the judges thereof, shall certify the same to the Governor of the State, and he shall forthwith specially commission the requisite number of men, of law knowledge, for the trial and determination thereof. The Legislature may, by general laws, make provision that special judges may be appointed to hold any court, the judge of which shall be unable or fail to attend or sit, or to hear any cause in which the judge may be incompetent.

Sec. 12. All writs and other process shall run in the name of the State of Tennessee, and bear test and be signed by the respective clerks. Indictments shall conclude, "against the peace and dignity of the State."

Sec. 13. Judges of the Supreme Court shall appoint their clerks, who shall hold their offices for six years. Chancellors shall appoint their clerks and masters, who shall hold their offices for six years. Clerks of the inferior courts, holden in the respective counties or districts, shall be elected by the qualified voters thereof, for the term of four years. Any clerk may be removed from office for malfeasance, incompetency or neglect of duty, in such manner as may be prescribed by law.

Sec. 14. No fine shall be laid on any citizen of this State, that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine should be more than fifty dollars.

Sec. 15. The different counties of this State shall be laid off as the General Assembly may direct, into districts of convenient

size, so that the whole number in each county shall not be more than twenty-five, or four for every one hundred square miles. There shall be two justices of the peace and one constable elected in each district by the qualified voters therein, except districts including county towns, which shall elect three justices and two constables. The jurisdiction of said officers shall be co-extensive with the county. Justices of the peace shall be elected for the term of six, and constables for the term of two years. Upon removal of either of said officers from the district in which he was elected, his office shall become vacant from the time of such removal. Justices of the peace shall be commissioned by the Governor. The Legislature shall have power to provide for the appointment of an additional number of justices of the peace in incorporated towns.

#### ARTICLE VII.

##### *State and County Officers.*

Section 1. There shall be elected in each county, by the qualified voters therein, one sheriff, one trustee and one register; the sheriff and trustee for two years; but no person shall be eligible to the office of sheriff more than six years in any term of eight years. There shall be elected for each county, by the justices of the peace, one coroner and one ranger, who shall hold their offices for two years. Said officers shall be removed for malfeasance or neglect of duty, in such manner as may be prescribed by law.

Sec. 2. Should a vacancy occur, subsequent to an election, in the office of sheriff, trustee or register, it shall be filled by the justices; if in that of the clerk to be elected by the people, it shall be filled by the courts; and the person so appointed shall continue in office until his successor shall be elected and qualified; and such office shall be filled by the qualified voters at the first election for any of the county officers.

Sec. 3. There shall be a Treasurer, or Treasurers, and a Comptroller of the treasury, appointed for the State, by the vote of both houses of the General Assembly, who shall hold their offices for two years.

Sec. 4. The election of all officers and the filling of all vacancies not otherwise directed or provided by this Constitution, shall be made in such manner as the Legislature shall direct.

Sec. 5. Elections for judicial and other civil officers shall be held on the first Thursday in August, one thousand eight hundred



and seventy, and forever thereafter on the first Thursday in August next preceding the expiration of their respective terms of service.

The term of each officer so elected shall be computed from the first day of September next succeeding his election. The term of office of the Governor and other executive officers shall be computed from the fifteenth of January next after the election of the Governor. No appointment or election to fill a vacancy shall be made for a period extending beyond the unexpired term. Every officer shall hold his office until his successor is elected or appointed and qualified. No special election shall be held to fill a vacancy in the office of judge or district attorney, but at the time herein fixed for the biennial election of civil officers. And such vacancy shall be filled at the next biennial election occurring more than thirty days after the vacancy occurs.

#### ARTICLE VIII.

##### *Militia.*

Section 1. All militia officers shall be elected by persons subject to military duty, within the bounds of their several companies, battalions, regiments, brigades and divisions, under such rules and regulations as the Legislature may, from time to time, direct and establish.

Sec. 2. The Governor shall appoint the Adjutant-General and his other staff officers; the major-generals, brigadier-generals and commanding officers of regiments shall respectively appoint their staff officers.

Sec. 3. The Legislature shall pass laws exempting citizens belonging to any sect or denomination of religion, the tenets of which are known to be opposed to bearing arms, from attending private and general musters.

#### ARTICLE IX.

##### *Disqualifications.*

Section 1. Whereas, Ministers of the gospel are, by their profession, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions; therefore, no minister of the gospel or priest of any denomination whatever shall be eligible to a seat in either house of the Legislature.

Sec. 2. No person who denies the being of God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

Sec. 3. Any person who shall, after the adoption of this Constitution, fight a duel, or knowingly be the bearer of a challenge to fight a duel, or send, or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of the right to hold any office of honor or profit in this State, and shall be punished otherwise, in such manner as the Legislature may prescribe.

#### ARTICLE X.

##### *Oath, Bribery of Electors, New Counties.*

Section 1. Every person who shall be chosen or appointed to any office of trust or profit under this Constitution, or any law made in pursuance thereof, shall, before entering upon the duties thereof, take an oath to support the Constitution of this State and of the United States, and an oath of office.

Sec. 2. Each member of the Senate and House of Representatives shall, before they proceed to business, take an oath or affirmation to support the Constitution of this State and of the United States, and also the following oath: "I, \_\_\_\_\_, do solemnly swear (or affirm) that, as a member of this General Assembly, I will, in all appointments, vote without favor, affection, partiality or prejudice; and that I will not propose or assent to any bill, vote or resolution which shall appear to me injurious to the people, or consent to any act or thing whatever that shall have a tendency to lessen or abridge their rights and privileges as declared by the Constitution of this State."

Sec. 3. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct. And any person who shall, directly or indirectly, give, promise or bestow any such reward to be elected shall thereby be rendered incapable, for six years, to serve in the office for which he was elected, and be subject to such further punishment as the Legislature shall direct.

Sec. 4. New counties may be established by the Legislature, to consist of not less than two hundred and seventy-five square miles, and which shall contain a population of seven hundred qualified voters. No line of such county shall approach the courthouse of any old county from which it may be taken nearer than

eleven miles, nor shall said old county be reduced to less than five hundred square miles. But the following exceptions are made to the foregoing provisions, viz.: New counties may be established by the present or any succeeding Legislature out of the following territory, to wit: Out of that portion of Obion county which lies west of low-water mark of Reel Foot lake. Out of fractions of Sumner, Macon and Smith counties, but no line of such new county shall approach the court-house of Sumner or Smith counties nearer than ten miles, nor include any part of Macon county lying within nine and a half miles of the court-house of said county, nor shall more than twenty square miles of Macon county, nor any part of Sumner county lying due west of the western boundary of Macon county be taken in the formation of said new county. Out of fractions of Grainger and Jefferson counties, but no line of such new county shall include any part of Grainger county north of Holston river, nor shall any line thereof approach the court-house of Jefferson county nearer than eleven miles; such new county may include any other territory which is not excluded by any general provisions of this Constitution. Out of fractions of Jackson and Overton counties, but no line of such new county shall approach the court-house of Jackson or Overton counties nearer than ten miles; nor shall such county contain less than four hundred qualified voters, nor shall the area of either of the old counties be reduced below four hundred and fifty square miles. Out of fractions of Roane, Monroe and Blount counties, around the town of Loudon, but no line of such new county shall ever approach the towns of Maryville, Kingston or Madisonville nearer than eleven miles, except that on the south side of Tennessee river said lines may approach as near as ten miles to the court-house of Roane county.

The counties of Lewis, Cheatham and Sequatchie, as now established by legislative enactments, are hereby declared to be constitutional counties. No part of Bledsoe county shall be taken to form a new county, or a part thereof, or be attached to any adjoining county.

That portion of Marion county included within the following boundaries: Beginning on the Grundy and Marion county line, at the Nick-a-jack trace, and running about six hundred yards west of Ben Posey's, to where the Tennessee coal railroad crosses the line, running thence south-east, through the Pocket,

near William Summer's crossing the Battle Creek gulf, at the corner of Thomas Wooten's field; thence running across the Little Gizzard gulf at Raven point; thence in a direct line to the bridge crossing the Big Fiery Gizzard; thence in a direct line to the mouth of Holy Water creek; thence up said creek to the Grundy county line, and thence with said line to the beginning, is hereby detached from Marion county and attached to the county of Grundy.

No part of a county shall be taken off to form a new county, or a part thereof, without the consent of two-thirds of the qualified voters in such part taken off. And, where an old county is reduced for the purpose of forming a new one, the seat of justice in said old county shall not be removed without the concurrence of two-thirds of both branches of the Legislature, nor shall the seat of justice of any county be removed without the concurrence of two-thirds of the qualified voters of the county. But the foregoing provision requiring a two-thirds majority of the voters of a county to remove its county seat shall not apply to the counties of Obion and Cocke.

The fractions taken from old counties to form new counties, or taken from one county and added to another, shall continue liable for their pro rata of all debts contracted by their respective counties prior to the separation, and be entitled to their proportion of any stocks or credits belonging to such old counties.

Sec. 5. The citizens who may be included in any new county shall vote with the county or counties from which they may have been stricken off for the members of Congress, for Governor, and for members of the General Assembly, until the next apportionment of members of the General Assembly after the establishment of such new county.

## ARTICLE XL

### *Miscellaneous Provisions.*

Section 1. All laws and ordinances now in force and in use in this State, not inconsistent with this Constitution, shall continue in force and use until they shall expire, or be altered or repealed by the Legislature. But ordinances contained in any former Constitution or schedule thereto are hereby abrogated.

Sec. 2. Nothing contained in this Constitution shall impair the validity of any debts or contracts, or affect any rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

Sec. 3. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and, if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays thereon, and referred to the General Assembly then next to be chosen; and shall be published six months previous to the time of making such choice; and if, in the General Assembly then next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such times as the General Assembly shall prescribe. And if the people shall approve and ratify such amendment or amendments by a majority of all the citizens of the State voting for Representatives, voting in their favor, such amendment or amendments shall become a part of this Constitution. When any amendment or amendments to the Constitution shall be proposed in pursuance of the foregoing provisions, the same shall, at each of said sessions, be read three times, on three several days, in each house. The Legislature shall not propose amendments to the Constitution oftener than once in six years. The Legislature shall have the right, at any time, by law, to submit to the people the question of calling a Convention to alter, reform or abolish this Constitution, and when, upon such submission, a majority of all the votes cast shall be in favor of said proposition, the delegates shall be chosen, and the Convention shall assemble in such mode and manner as shall be prescribed.

Sec. 4. The Legislature shall have no power to grant divorces, but may authorize the courts of justice to grant them for such causes as may be specified by law; but such laws shall be general and uniform in their operation throughout the State.

Sec. 5. The Legislature shall have no power to authorize lotteries for any purpose, and shall pass laws to prohibit the sale of lottery tickets in this State.

Sec. 6. The Legislature shall have no power to change the names of persons, or to pass acts adopting or legitimating persons, but shall, by general laws, confer this power on the courts.

Sec. 7. The Legislature shall fix the rate of interest, and the rate so established shall be equal and uniform throughout the

State; but the Legislature may provide for a conventional rate of interest, not to exceed ten per cent per annum.

Sec. 8. The Legislature shall have no power to suspend any general law for the benefit of any particular individual, nor to pass any law for the benefit of individuals inconsistent with the general laws of the land; nor to pass any law granting to any individual or individuals rights, privileges, immunities or exemptions, other than such as may be, by the same law, extended to any member of the community who may be able to bring himself within the provisions of such law. No corporation shall be created, or its powers increased or diminished, by special laws; but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter created, which laws may, at any time, be altered or repealed; and no such alteration or repeal shall interfere with or divest rights which have become vested.

Sec. 9. The Legislature shall have the right to vest such powers in the courts of justice, with regard to private and local affairs, as may be deemed expedient.

Sec. 10. A well regulated system of internal improvement is calculated to develop the resources of the State, and promote the happiness and prosperity of her citizens; therefore, it ought to be encouraged by the General Assembly.

Sec. 11. A homestead, in the possession of each head of a family, and the improvements thereon, to the value, in all, of one thousand dollars, shall be exempt from sale under legal process during the life of such head of a family, to inure to the benefit of the widow, and shall be exempt during the minority of their children occupying the same. Nor shall said property be alienated without the joint consent of husband and wife, when that relation exists. This exemption shall not operate against public taxes, nor debts contracted for the purchase-money of such homestead, or improvements thereon.

Sec. 12. Knowledge, learning and virtue being essential to the preservation of Republican institutions, and the diffusion of the opportunities and advantages of education throughout the different portions of the State being highly conducive to the promotion of this end, it shall be the duty of the General Assembly, in all future periods of this government, to cherish literature and science. And the fund called the common school fund, and all the

lands and proceeds thereof, dividends, stocks and other property of every description whatever, heretofore by law appropriated by the General Assembly of this State for the use of common schools, and all such as shall hereafter be appropriated, shall remain a perpetual fund, the principal of which shall never be diminished by legislative appropriation; and the interest thereof shall be inviolably appropriated to the support and encouragement of common schools throughout the State, and for the equal benefit of all the people thereof; and no law shall be made authorizing said fund or any part thereof to be diverted to any other use than the support and encouragement of common schools. The State taxes derived hereafter from polls shall be appropriated to educational purposes, in such manner as the General Assembly shall, from time to time, direct by law. No school established or aided under this section shall allow white and negro children to be received as scholars together in the same school. The above provision shall not prevent the Legislature from carrying into effect any laws that have been passed in favor of the colleges, universities or academies, or from authorizing heirs or distributees to receive and enjoy escheated property under such laws as may be passed from time to time.

Sec. 13. The General Assembly shall have power to enact laws for the protection and preservation of game and fish within the State, and such laws may be enacted for and applied and enforced in particular counties or geographical districts designated by the General Assembly.

Sec. 14. The intermarriage of white persons with negroes, mulattoes, or persons of mixed blood, descended from a negro to the third generation, inclusive, or their living together as man and wife, in this State, is prohibited. The Legislature shall enforce this section by appropriate legislation.

Sec. 15. No person shall, in time of peace, be required to perform any service to the public on any day set apart by his religion as a day of rest.

Sec. 16. The declaration of rights, hereto prefixed, is declared to be a part of the Constitution of this State, and shall never be violated on any pretense whatever. And to guard against transgression of the high powers we have delegated, we declare that everything in this bill of rights contained is excepted out of the

general powers of the government, and shall forever remain inviolate.

Sec. 17. No county office created by the Legislature shall be filled otherwise than by the people or the county court.

#### THE SCHEDULE.

Section 1. That no inconvenience may arise from a change of the Constitution, it is declared that the Governor of the State, the members of the General Assembly, and all officers elected at or after the general election of March, 1870, shall hold their offices for the terms prescribed in this Constitution.

Officers appointed by the courts shall be filled by appointment, to be made and to take effect during the first term of the court held by judges elected under this Constitution.

All other officers shall vacate their places thirty days after the day fixed for the election of their successors under this Constitution.

The Secretary of State, Comptroller and Treasurer shall hold their offices until the first session of the present General Assembly occurring after the ratification of this Constitution, and until their successors are elected and qualified.

The officers then elected shall hold their offices until the 15th day of January, 1873.

Sec. 2. At the first election of judges under this Constitution, there shall be elected six judges of the Supreme Court, two from each grand division of the State, who shall hold their offices for the term herein prescribed.

In the event any vacancy shall occur in the office of either of said judges at any time after the first day of January, 1873, it shall remain unfilled, and the court shall, from that time, be constituted of five judges.

While the court shall consist of six judges they may sit in two sections, and may hear and determine causes in each at the same time, but not in different grand divisions at the same time.

When so sitting the concurrence of two judges shall be necessary to a decision.

The Attorney-General and Reporter for the State shall be appointed after the election and qualification of the judges of the Supreme Court herein provided for.

Sec. 3. Every judge and every officer of the executive department of this State, and every sheriff holding over under this



Constitution, shall, within twenty days after the ratification of this Constitution is proclaimed, take an oath to support the same; and the failure of any officer to take such oath shall vacate his office.

Sec. 4. The time which has elapsed since the 6th day of May, 1861, until the 1st day of January, 1867, shall not be computed in any cases affected by the statutes of limitation, nor shall any writ of error be affected by such lapse of time.

Done in Convention, at Nashville, the twenty-third day of February, in the year of our Lord one thousand eight hundred and seventy, and of the independence of the United States the ninety-fourth. In testimony whereof we have hereunto set our names.

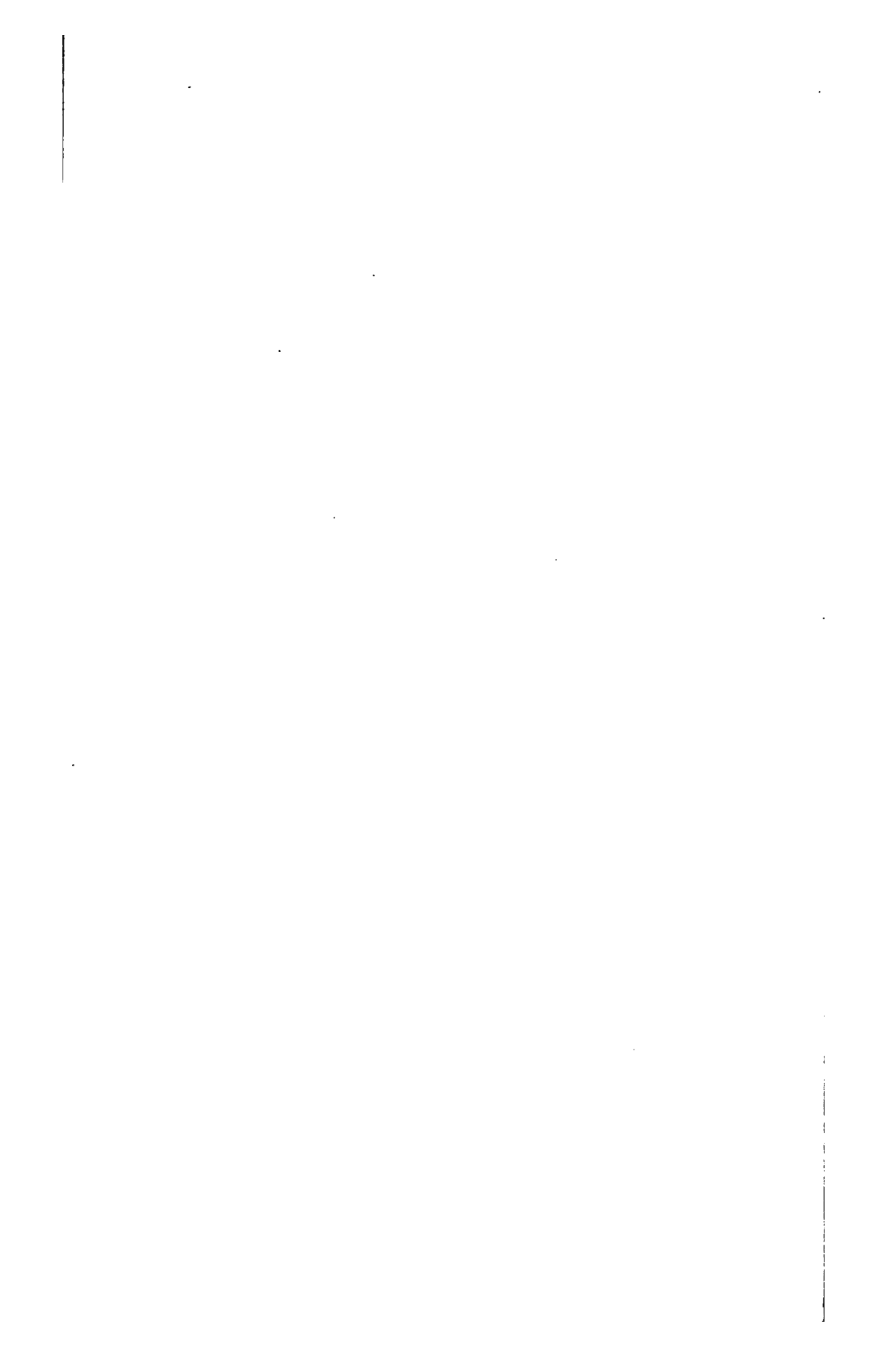
JOHN C. BROWN, President.

T. E. S. RUSSWURM, Secretary.

Attest:

THOS. W. JONES, Assistant Secretary.

W. S. KYLE, Second Assistant Secretary.



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CONSTITUTION  
OF THE  
STATE OF TEXAS.

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# CONSTITUTION OF THE STATE OF TEXAS.

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## Article

1. Bill of rights.
  2. Powers of government.
  3. Legislative department.
  4. Executive department.
  5. Judicial department.
  6. Suffrage.
  7. Education.— The public free schools.
  8. Taxation and revenue.
  9. Counties.
  10. Railroads.
  11. Municipal corporations.
  12. Private corporations.
  13. Spanish and Mexican land titles.
  14. Public lands and land office.
  15. Impeachment.
  16. General provisions.
  17. Mode of amending the Constitution of this State.
- Preamble.

## ARTICLE I.

### *Bill of Rights.*

## Section

1. Texas is a free and independent State, subject only to the Constitution of the United States.
2. All political power is inherent in the people.
3. All free men have equal rights.
4. No religious test shall ever be required as a qualification to office.
5. No person debarred from testifying in any court in this State on account of religious opinion.
6. Freedom of religious thought and worship.
7. Money shall not be appropriated to any religious society, etc.
8. Freedom of speech and of the press.
9. Unreasonable searches and seizures forbidden.
10. In criminal prosecutions, the rights of the accused.
11. Bail shall be accepted except for capital offenses.

## Section

12. The writ of habeas corpus.
13. Excessive bail or excessive fines shall not be imposed, nor cruel punishment inflicted.
14. No person shall be put in jeopardy twice for the same offense.
15. The right of trial by jury shall remain inviolate.
16. No bill of attainder, or ex post facto laws, shall be passed.
17. Private property taken or damaged shall receive just compensation.
18. No imprisonment for debt.
19. No person shall be disfranchised except by due course of law.
20. No person shall be outlawed, nor transported.
21. No conviction shall work corruption of blood.
22. Treason against the State defined.
23. The right to bear arms.
24. The military subordinate to the civil power.
25. Quartering of soldiers.
26. Monopolies and the law of primogeniture forbidden.
27. The citizens have the right to assemble in a peaceable manner to consult for the common good.
28. No power of suspending the laws in this State shall be exercised except by the Legislature.
29. To guard against transgression of the high powers, etc.

## ARTICLE II.

### *Powers of Government.*

1. The legislative, the executive, and the judicial.

## ARTICLE III.

### *Legislative Department.*

1. The legislative power of the State is vested in the Senate and House of Representatives.

## Section

2. The Senate shall consist of thirty-one members.—The house of ninety-three members.
3. The choosing of senators.
4. The choosing of representatives.
5. The Legislature shall meet every two years.
6. To be eligible to be a senator.
7. To be eligible to be a representative.
8. Each house shall be judge of the qualification and election of its own members.
9. The Senate shall elect a president pro tempore.
10. Two-thirds of each house shall constitute a quorum.
11. Each house to determine the rules of its own proceedings and punish members for disorderly conduct.
12. Each house to keep a journal.
13. Governor may fill the vacancies in either house by issuing writs of election.
14. Senators and representatives privileged from arrest.
15. Each house may punish by imprisonment any person not a member, etc.
16. The sessions of each house shall be open, except.
17. They may not adjourn for more than three days.
18. Senators and representatives may not hold another office.
19. Officers who are not eligible to the Legislature.
20. No person entrusted with public money shall be eligible to the Legislature.
21. Freedom of speech and debate.
22. No member having a personal or private interest in any measure shall vote thereon.
23. If any Senator or representative removes his residence from the district for which he was elected his office thereby becomes vacant.
24. Compensation for members of the Legislature.
25. The State shall be divided into senatorial districts.

## Section

26. Apportionment of representatives.
27. Elections for senators and representatives shall be general.
28. A new apportionment to be made after each United States census.
29. The enacting clause of all laws, shall be.
30. No law shall be passed except by bill.
31. Bills may originate in either house.
32. No bills shall have the force of a law until read three times in each house.
33. Bills for raising revenue shall originate in the House of Representatives.
34. After a bill has once been defeated by either house it shall not come up again.
35. No bill shall contain more than one subject.
36. No law shall be revived or amended by reference to its title.
37. In regard to the passing of bills.
38. Presiding officers of each house shall sign all bills.
39. No law shall go into force until ninety days after adjournment, except.
40. The Legislature, when convened in special session.
41. In all elections in the Legislature the vote shall be viva voce.
42. The Legislature shall pass laws necessary to carry into effect the provisions of this Constitution.
43. Civil and criminal laws to be revised and published.
44. The compensation of officers, servants, etc., shall be provided for by law.
45. The power to change the venue in civil and criminal cases.
46. Vagrant laws to be enacted.
47. Lotteries illegal.
48. For what purposes taxes may be levied.

Section

49. In regard to creating State debt.
50. State credit shall not be given or loaned.
51. Public money not to be granted to individuals, associations, etc.
52. No sub-division of the State shall lend its credit.
53. No extra compensation, fee or allowance to a public officer to be granted.
54. No lien held by the State upon any railroad will be released or alienated.
55. The indebtedness, liability or obligation of any individual or corporation may not be released.
56. Local or special laws may not be passed, on the following subjects.
57. No local or special laws shall be passed unless notice of the intention shall have been published.
58. The city of Austin shall be the seat of government.

ARTICLE IV.

*Executive Department.*

1. The executive department shall consist of certain officers.
2. They shall be elected by qualified voters.
3. What is to be done with returns of election of said officers.
4. When the Governor shall be installed.—His term of office and qualifications.
5. His compensation.
6. He may not hold any other office during his term.
7. He shall be commander-in-chief of the militia.
8. He may on extraordinary occasions convene the Legislature.
9. He shall recommend to the Legislature such measures as he may deem expedient, etc.
10. He shall cause the laws to be faithfully executed.
11. He may grant reprieves and pardons.

Section

12. How vacancies in State and district offices are to be filled.
13. During the session of the Legislature the Governor shall reside in the same place, etc.
14. All bills to be presented to the Governor.
15. Orders, resolutions or votes, to which the concurrence of both houses is necessary, will be presented to the Governor.
16. Lieutenant-Governor.
17. When the president of the Senate shall act as Governor.
18. When the Lieutenant-Governor or president of the Senate acts as Governor he shall be under the same restriction, etc.
19. There shall be a seal of State kept by the secretary.
20. All commissions shall be in the name of the State.
21. The Secretary of State.—His du-pointment and salary.
22. The Attorney-General.—His du-ties and salary.
23. Other State officers.—Their sal-aries and term of office.
24. An account shall be kept for all moneys received and disbursed.
25. Breach of trust.
26. Notaries public.

ARTICLE V.

*Judicial Department.*

1. The judicial power of the State.—How vested.
2. The Supreme Court.—To consist of whom.
3. Its jurisdiction and powers.
4. The Court of Criminal Appeals to consist of three judges.
5. Its jurisdiction.
6. The States shall be divided into not less than two, nor more than three judicial districts.
7. In regard to judicial districts and judges of the same.—Their terms of office and number of courts held.
8. The District Court.—Its jurisdic-tion.

## Section

9. Clerk of the District Court.—His term of office, etc.
10. The right of trial by jury.
11. No judge may sit in any case wherein he may be interested.
12. The style of process shall be.
13. The grand and petit juries in the District Courts to be composed of twelve men.
14. The judicial districts in this State are fixed until otherwise provided by law.
15. The County Court shall be a court of record.
16. Its jurisdiction.
17. The County Court shall hold a term once in every two months.—It shall dispose of probate business.
18. Each county shall be divided into precincts.
19. Justices of the peace.—Their jurisdiction.
20. County clerk.—His term of office and duties.
21. The county attorney.—His election.
22. The civil and criminal jurisdiction of County Court may be increased or diminished.
23. The sheriff.—His term of office, duties and fees.
24. County officers may be removed for incompetency.
25. The Supreme Court may establish rules of procedure.
26. The State shall have no right of appeal in criminal cases.
27. The Legislature shall at its first session provide for the transfer of all business pending in District Courts.
28. Vacancies in the office of judges of certain courts shall be filled by the Governor.
29. County Court shall hold at least four terms each year.

## ARTICLE VI.

*Suffrage.*

1. Enumeration of those who may not vote.
2. To be eligible to vote.

## Section

3. To have the right to vote for mayor and other elective officers.
4. Elections by the people shall be by ballot.
5. Voters to be privileged from arrest.

## ARTICLE VII.

*Education — The Public Free Schools.*

1. Free schools to be established and maintained.
2. The school funds and lands.
3. What revenues are to be devoted to school funds.
4. Public school lands may be sold under certain regulations.
5. The fund shall be a permanent one, and shall not be diminished.
6. All lands granted to counties for educational purposes shall be used for such purposes.
7. Separate schools shall be provided for white and colored children.
8. The board of education, to consist of whom.
9. In regard to asylums, etc.
10. The university of the first class to be established.
11. Permanent university fund shall be organized.
12. The lands pertaining to the same shall be sold under certain regulations.
13. The agricultural and mechanical college shall be a branch of the university.
14. A branch of the university shall be established for the instruction of colored youths.
15. One million acres of unappropriated public land shall be set apart for the university.

## ARTICLE VIII.

*Taxation and Revenue.*

1. Taxation shall be equal and uniform.
2. Corporation taxes shall be equal and uniform upon the same class of subjects.



Section

3. Taxes shall be levied and collected by general law.
4. The power to tax corporations shall not be surrendered.
5. All property of railroad companies within the limits of a city, etc., shall be subject to the usual municipal taxation.
6. No money shall be drawn from the treasury, but by appropriation.
7. The Legislature may not borrow any special fund that ought to come into the treasury.
8. All property of railroad companies shall be assessed.
9. The tax for the benefit of the public schools shall not exceed thirty-five cents on one hundred dollars.
10. No individual or corporation shall be released from the payment of taxes levied for the State or county.
11. How the taxes of non-residents shall be paid.
12. All property owned by residents of unorganized counties shall be taxed.
13. The first Legislature shall provide for the speedy sale of a sufficient portion of all lands, etc.
14. An assessor of taxes.—His term of office and election.
15. Property belonging to any delinquent tax payer shall be liable to seizure.
16. The sheriff of each county shall also be collector of taxes.
17. The Legislature shall have power to require other subjects or objects to be taxed.
18. The Legislature shall provide for equalizing the valuation of all property subject to taxation.
19. Farm products in the hands of the producer, and family supplies for home use are exempt from taxation.

ARTICLE IX.

*Counties.*

Section

1. The Legislature shall have power to create counties for the convenience of the people, subject to the following provisions.
2. In regard to the movement of county seats.

ARTICLE X.

*Railroad.*

1. In regard to the rights of railroad corporations.
2. They are public highways, and railroad companies are common carriers.
3. Every railroad doing business in the State shall maintain a public office in this State.
4. The rolling stock and other movable property of railroads shall be considered personal property.
5. No railroad shall consolidate with any parallel or competing line.
6. No railroad organized under the laws of this State shall consolidate with any foreign corporation.
7. Street railways and cities and towns must get the consent of the local authorities.
8. No railroad in existence at the time of the adoption of this constitution shall have the benefit of future legislation, except.
9. In regard to their obligations to build a depot.

ARTICLE XI.

*Municipal Corporations.*

1. The counties of the State are recognized as legal subdivisions of the same.
2. The construction of public buildings shall be provided by general law.
3. No subdivision of the State shall be a stockholder in any corporation.

## Section

4. Cities and towns of ten thousand inhabitants or less may be chartered alone by general law.
5. Those having more than ten thousand may have their charters granted by special act of the Legislature.
6. Counties, cities or towns are authorized to levy and assess taxes, etc.
7. All counties and cities bordering on the Gulf of Mexico may collect taxes for the construction of sea walls, break-waters, etc.
8. The Legislature may aid by donation for the construction of the same.
9. Enumeration of property to be exempt from forced sale and taxation.
10. The Legislature may constitute any city or town an independent school district.

## ARTICLE XII.

*Private Corporations.*

1. They shall not be created except by special law.
2. Private corporations.—How created.
3. The right to authorize and regulate freights, tolls, fares, etc., shall never be relinquished by the State.
4. The mode of procedure by the Attorney-General and district or county attorneys shall be provided for by the Legislature.
5. Laws granting the right to demand and collect freight, fares, tolls, etc., shall be subject to amendment or repeal by the Legislature.
6. No corporations shall issue stocks or bonds, except for money paid.
7. Nothing in this article shall be construed to effect the rights guaranteed by any existing statute of this State or the republic of Texas.

## ARTICLE XIII.

*Spanish and Mexican Land Titles.*

## Section

1. All fines, penalties, etc., accruing to the Republic and State of Texas under their Constitutions shall accrue to the State under this Constitution.
2. In regard to claim of title or right of land in Texas issued prior to the 13th day of November, 1835.
3. For the non-payment of taxes on any such claim it shall be presumed that the right thereto has reverted to the State.
4. In regard to the failure to record such claim of title.
5. All claims, etc., declared void by the Constitution of the Republic or State of Texas shall remain forever void.
6. In regard to forgers of land titles.
7. Sections 2, 3, 4 and 5 of this article do not set aside or repeal any laws of the Republic or State of Texas.

## ARTICLE XIV.

*Public Land and Public Office.*

1. There shall be one general land office in the State, which shall be at the seat of government.
2. All land certificates barred by section 4, article 10, of the Constitution of 1869, are hereby revived.
3. No lands shall be granted by the State, except upon the following restrictions.
4. No certificate for land shall be sold except to actual settlers.
5. In regard to lands heretofore or hereafter granted to railroad companies.
6. To the head of every family without a homestead there shall be donated 160 acres of public lands upon conditions.
7. All mines and minerals are released to the owner of the soil.

Section

3. In regard to persons holding land granted by the governments of Spain or Mexico.

ARTICLE XV.

*Impeachment.*

1. The power of impeachment shall be vested in the House of Representatives.
2. Impeachment of the Governor, Lieutenant-Governor, Attorney-General, etc., shall be tried by the Senate.
3. When the Senate is sitting as a court of impeachment, the Senators shall be on oath or affirmation.
4. Judgment in cases of impeachment shall extend only to removal from office.
5. All officers against whom articles of impeachment have been preferred shall be suspended from the duties of office, etc.
6. Judge of a District Court may be removed for misconduct, etc.
7. All officers of the State may be removed.
8. Judges of the Supreme and Court of Appeals and District Courts may be removed for neglect of duty, etc.

ARTICLE XVI.

*General Provisions*

1. All officers shall take the following oath.
2. Bribery, perjury, etc., shall exclude from office.
3. In regard to those committed to the county jails.
4. Dueling forbidden.
5. Bribery disqualifies from holding office.
6. An account of receipts and expenditures for public money shall be made annually. — No appropriations shall be made for private or individual purposes.

Section

7. The Legislature may not issue "treasury warrants," "treasury notes," etc.
8. Each county shall provide for a poorhouse.
9. Residence not forfeited on account of absence from the State or of the United States.
10. Salaries of public officers may be deducted for neglect to perform any duty.
11. Legal rate of interest ten per cent.
12. Those who are not eligible as members of the Legislature.
13. Differences may be decided by arbitration.
14. All civil officers shall reside within the State; district and county officers within the district or county.
15. The rights of the wife to property.
16. No corporate body shall hereafter be created, renewed or extended with banking or discounting privileges.
17. All officers within this State shall continue to perform the duties of office until successors are duly qualified.
18. In regard to the rights of property and of action which have been acquired under the Constitution of the republic and State.
19. The Legislature shall prescribe the qualification of grand and petit jurors.
20. In regard to the sale of intoxicating liquors.
21. Stationery and printing.
22. In regard to fence laws.
23. The Legislature may pass laws for the regulation of live stock, etc.
24. Public roads and bridges.
25. Drawbacks and rebatement of insurance, freight, etc.
26. In regard to the responsibility of a person, corporation or company committing homicide through gross neglect.

## Section

27. Elections to fill vacancies shall be for the unexpired term only.
28. Current wages for personal service shall never be subject to garnishment.
29. Barratry to be defined and punished.
30. The term of office not fixed by this Constitution not to exceed two years.
31. Laws prescribing the qualifications of practitioners of medicine.
32. A board of health and vital statistics.
33. The accounting officer of this State may pay no salary to any person holding any other office of honor or profit under this State or the United States.
34. In regard to the leasing of land for the erection of forts, etc., for the United States.
35. Laws shall be passed to protect laborers on public buildings, etc., against the failure of contractors to pay their wages when due.
36. The payment of teachers of public schools.
37. Mechanics, artisans, etc., shall have a lien upon buildings and articles made or repaired by them for the value of their labor.
38. The office of commissioner of insurance, statistics and history may be provided for.
39. The memorials of the history of Texas to be preserved.
40. No person may hold at the same time more than one civil office, except justices of the peace and others enumerated.
41. Bribery shall be punished as provided by law.
42. The Legislature may establish an inebriate asylum.
43. No man or set of men shall ever be exempted from any public duty or service imposed by general law, by any special law.

## Section

44. The duties and election of the county treasurer and county surveyor shall be prescribed by the Legislature.
45. Records, rolls and other documents shall be preserved and cared for.
46. The Legislature shall provide by law for organizing and disciplining the militia of the State.
47. Any person who conscientiously scruples to bear arms shall not be compelled to do so.
48. All laws and parts of laws now in force shall remain in force until they expire by limitation.
49. The Legislature shall have power, and it shall be its duty to protect by law property of heads of families.
50. The homestead of a family shall be protected from forced sale for the payment of debts, except for the purchase money thereof.
51. The homestead not in a town or city shall consist of not more than two hundred acres.
52. In regard to the disposition of property on the death of husband or wife, or both.
53. That no inconvenience may arise from the adoption of this Constitution, it is declared that all writs and process shall remain valid.
54. Indigent lunatics shall be cared for at the expense of the State.
55. Soldiers of the Texas-Mexican war may be pensioned.
56. Public money may not be appropriated for bringing immigrants into the State.
57. Three millions of acres of the public domain are set apart for the purpose of erecting a new State capitol and other public buildings.

## ARTICLE XVII.

*Mode of Amending the Constitution.*

1. The Legislature may propose amendments to the Constitution to be voted upon by the qualified electors.

## PREAMBLE.

Humbly invoking the blessings of Almighty God, the people of the State of Texas do ordain and establish this Constitution.

## ARTICLE I.

*Bill of Rights.*

That the general, great, and essential principles of liberty and free government may be recognized and established, we declare:

Section 1. Texas is a free and independent State, subject only to the Constitution of the United States; and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government unimpaired to all the States.

Sec. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

Sec. 3. All free men when they form a social compact, have equal rights, and no man or set of men, is entitled to exclusive separate public emoluments or privileges, but in consideration of public services.

Sec. 4. No religious test shall ever be required as a qualification of religion, and no preference shall ever be given by law to any one to be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

Sec. 5. No person shall be disqualified to give evidence in any of the courts of this State on account of his religious opinions, or for want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

Sec. 6. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent. No human authority ought, in any case whatever,

to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious societies or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.

Sec. 7. No money shall be appropriated or drawn from the treasury for the benefit of any sect or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.

Sec. 8. Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers investigating the conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Sec. 9. The people shall be secure in their persons, houses, papers and possessions from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

Sec. 10. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself. He shall have the right of being heard by himself or counsel or both; shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor. And no person shall be held to answer for a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

Sec. 11. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found, upon examination of the evidence in such manner as may be prescribed by law.

Sec. 12. The writ of habeas corpus is a writ of right, and shall never be suspended. The Legislature shall enact laws to render the remedy speedy and effectual.

Sec. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law.

Sec. 14. No person for the same offense, shall be twice put in jeopardy of life or liberty; nor shall a person be again put upon trial for the same offense after a verdict of not guilty in a court of competent jurisdiction.

Sec. 15. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency.

Sec. 16. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts, shall be made.

Sec. 17. No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person; and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and franchises granted by the legislature, or created under its authority, shall be subject to the control thereof.

Sec. 18. No person shall ever be imprisoned for debt.

Sec. 19. No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

Sec. 20. No citizen shall be outlawed; nor shall any person be transported out of the State for any offense committed within the same.

Sec. 21. No conviction shall work corruption of blood, or forfeiture of estate; and the estates of those who destroy their own lives shall descend or vest as in case of natural death.

Sec. 22. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 23. Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the legislature shall have power by law to regulate the wearing of arms with a view to prevent crime.

Sec. 24. The military shall at all times be subordinate to the civil authority.

Sec. 25. No soldier shall in time of peace be quartered in the house of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law.

Sec. 26. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

Sec. 27. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.

Sec. 28. No power of suspending laws in this State shall be exercised except by the Legislature.

Sec. 29. To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

## ARTICLE II.

### *The Powers of Government.*

Section 1. The powers of the government of the State of Texas shall be divided into three distinct departments, each of which shall be confined to a separate body of magistracy, to wit: Those which are legislative to one, those which are executive to another, and those which are judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any powers properly attached to either of the others, except in the instances herein expressly permitted.



## ARTICLE III.

*Legislative Department.*

Section 1. The legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled "The Legislature of the State of Texas."

Sec. 2. The Senate shall consist of thirty-one members, and shall never be increased above this number. The House of Representatives shall consist of ninety-three members until the first apportionment after the adoption of this Constitution, when, or at any apportionment thereafter, the number of representatives may be increased by the Legislature, upon the ratio of not more than one representative for every fifteen thousand inhabitants: Provided, The number of Representatives shall never exceed one hundred and fifty.

Sec. 3. The Senators shall be chosen by the qualified electors for the term of four years; but a new Senate shall be chosen after every apportionment, and the Senators elected after each apportionment shall be divided by lot into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that one-half of the Senators shall be chosen biennially thereafter.

Sec. 4. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of their election.

Sec. 5. The Legislature shall meet every two years, at such time as may be provided by law, and at other times when convened by the Governor.

Sec. 6. No person shall be a Senator unless he be a citizen of the United States, and at the time of his election a qualified elector of the State, and shall have been a resident of this State five years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-six years.

Sec. 7. No person shall be a Representative unless he be a citizen of the United States, and at the time of his election a qualified elector of this State, and shall have been a resident of this State two years next preceding his election, the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-one years.

Sec. 8. Each House shall be the judge of the qualifications and election of its own members; but contested elections shall be determined in such manner as shall be provided by law.

Sec. 9. The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members president pro tempore, who shall perform the duties of the Lieutenant-Governor in any case of absence or disability of that officer, and whenever the said office of Lieutenant-Governor shall be vacant. The House of Representatives shall, when it first assembles, organize temporarily, and thereupon proceed to the election of a speaker from its own members; and each House shall choose its other officers.

Sec. 10. Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Sec. 11. Each House may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offense.

Sec. 12. Each House shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either House on any question shall, at the desire of any three members present, be entered on the journals.

Sec. 13. When vacancies occur in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies; and should the Governor fail to issue a writ of election to fill any such vacancy within twenty days after it occurs, the returning officer of the district in which such vacancy may have happened shall be authorized to order an election for that purpose.

Sec. 14. Senators and Representatives shall, except in cases of treason, felony or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles such member reside from the place at which the Legislature is convened.

Sec. 15. Each House may punish, by imprisonment, during its sessions, any person not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings; provided, such imprisonment shall not, at any one time, exceed forty-eight hours.

Sec. 16. The sessions of each House shall be open, except the Senate when in executive session.

Sec. 17. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that where the Legislature may be sitting.

Sec. 18. No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State which shall have been created or the emoluments of which may have been increased during such term; no member of either House shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole or in part, by either branch of the Legislature; and no member of either House shall vote for any other member for any office whatever, which may be filled by a vote of the Legislature, except in such cases as are in this Constitution provided. Nor shall any member of the Legislature be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected.

Sec. 19. No Judge of any court, Secretary of State, Attorney-General, Clerk of any Court of Record, or any person holding a lucrative office under the United States, or this State, or any foreign government, shall, during the term for which he is elected or appointed, be eligible to the Legislature.

Sec. 20. No person who at any time may have been a collector of taxes, or who may have been otherwise intrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State Government, until he shall have obtained a discharge for the amount of such collections, or for all public moneys with which he may have been intrusted.

Sec. 21. No member shall be questioned in any other place for words spoken in debate in either House.

Sec. 22. A member who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

Sec. 23. If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby become vacant, and the vacancy shall be filled as provided in section 13 of this article.

## Section

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51. The homestead not in a town or city shall consist of not more than two hundred acres.
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57. Three millions of acres of the public domain are set apart for the purpose of erecting a new State capitol and other public buildings.

## ARTICLE XVII.

*Mode of Amending the Constitution.*

1. The Legislature may propose amendments to the Constitution to be voted upon by the qualified electors.

Sec. 27. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

Sec. 28. The Legislature shall, at its first session after the publication of each United States decennial census, apportion the State into senatorial and representative districts, agreeably to the provisions of sections 25 and 26 of this article; and until the next decennial census, when the first apportionment shall be made by the Legislature, the State shall be and it is hereby divided into senatorial and representative districts as provided by an ordinance of the Convention on that subject.

*Proceedings.*

Sec. 29. The enacting clause of all laws shall be, "Be it enacted by the Legislature of the State of Texas."

Sec. 30. No law shall be passed except by bill, and no bill shall be so amended in its passage through either House as to change its original purpose.

Sec. 31. Bills may originate in either House, and when passed by such House may be amended, altered or rejected by the other.

Sec. 32. No bill shall have the force of a law until it has been read on three several days in each House, and free discussion allowed thereon; but in cases of imperative public necessity (which necessity shall be stated in a preamble, or in the body of the bill), four-fifths of the House in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journals.

Sec. 33. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

Sec. 34. After a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session.

Sec. 35. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if

any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

Sec. 36. No law shall be revived or amended by reference to its title; but in such case the act revived or the section or sections amended shall be re-enacted and published at length.

Sec. 37. No bill shall be considered, unless it has been first referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature.

Sec. 38. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing, and the fact of signing shall be entered on the journals.

Sec. 39. No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless, in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journals.

Sec. 40. When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days.

Sec. 41. In all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given viva voce, except in the election of their officers.

#### *Requirements and Limitations.*

Sec. 42. The Legislature shall pass such laws as may be necessary to carry into effect the provisions of this Constitution.

Sec. 43. The first session of the Legislature under this Constitution shall provide for revising, digesting and publishing the laws, civil and criminal; and a like revision, digest and publication may be made every ten years thereafter: Provided,

That in the adoption of and giving effect to any such digest or revision, the Legislature shall not be limited by sections 35 and 36 of this article.

Sec. 44. The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for in this Constitution, but shall not grant extra compensation to any officer, agent, servant or public contractors, after such public service shall have been performed or contract entered into for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the treasury of the State, to any individual on a claim, real or pretended, when the same shall not have been provided for by pre-existing law; nor employ anyone in the name of the State unless authorized by pre-existing law.

Sec. 45. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law; and the Legislature shall pass laws for that purpose.

Sec. 46. The Legislature shall, at its first session after the adoption of this Constitution, enact effective vagrant laws.

Sec. 47. The Legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises in this State, as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other States.

Sec. 48. The Legislature shall not have the right to levy taxes or impose burdens upon the people, except to raise revenue sufficient for the economical administration of the government, in which may be included the following purposes:

The payment of all interest upon the bonded debt of the State;

The erection and repairs of public buildings;

The benefit of the sinking fund, which shall not be more than two per centum of the public debt; and for the payment of the present floating debt of the State, including matured bonds for the payment of which the sinking fund is inadequate;

The support of public schools, in which shall be included colleges and universities established by the State; and the maintenance and support of the Agricultural and Mechanical College of Texas;

The payment of the cost of assessing and collecting the revenue; and the payment of all officers, agents and employes of the State government, and all incidental expenses connected therewith;

The support of the blind asylum, the deaf and dumb asylum, and the insane asylum, the State cemetery and the public grounds of the State;

The enforcement of quarantine regulations on the coast of Texas;

The protection of the frontier.

Sec. 49. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or pay existing debt; and the debt created to supply deficiencies in the revenue shall never exceed in the aggregate at any one time two hundred thousand dollars.

Sec. 50. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State in aid of, or to any person, association or corporation, whether municipal or other; or to pledge the credit of the State, in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

Sec. 51. The Legislature shall have no power to make any grant, or authorize the making of any grant, of public money to any individual, association of individuals, municipal or other corporation whatsoever: Provided, that this shall not be so construed as to prevent the grant of aid in case of public calamity.

Sec. 52. The Legislature shall have no power to authorize any county, city, town, or other political corporation or subdivision of the State, to lend its credit or to grant public money or thing of value, in aid of or to any individual, association or corporation whatsoever; or to become a stockholder in such corporation, association or company.

Sec. 53. The Legislature shall have no power to grant, or to authorize any county or municipal authority to grant, any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered, or a contract has been entered into, and performed in whole or in part;



nor pay, nor authorize the payment of, any claim created against any county or municipality of the State, under any agreement or contract made without authority of law.

Sec. 54. The Legislature shall have no power to release or alienate any lien held by the State upon any railroad, or in anywise change the tenor or meaning or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

Sec. 55. The Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State, or to any county, or other municipal corporation therein.

Sec. 56. The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, authorizing—

The creation, extension or impairing of liens;

Regulating the affairs of counties, cities, towns, wards or school districts;

Changing the names of persons or places;

Changing the venue in civil or criminal cases;

Authorizing the laying out, opening, altering or maintaining of roads, highways, streets or alleys;

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

Vacating roads, town plats, streets or alleys;

Relating to cemeteries, graveyards, or public grounds not of the State;

Authorizing the adoption or legitimation of children;

Locating or changing county seats;

Incorporating cities, towns or villages, or changing their charters;

For the opening and conducting of elections, or fixing or changing the places of voting;

Granting divorces;

Creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts;

Changing the law of descent or succession;

Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before

courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate;

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables;

Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes;

Fixing the rate of interest;

Affecting the estates of minors, or persons under disability;

Remitting fines, penalties and forfeitures, and refunding moneys legally paid into the treasury;

Exempting property from taxation;

Regulating labor, trade, mining and manufacturing;

Declaring any named person of age;

Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties, or his securities from liability;

Giving effect to informal or invalid wills or deeds;

Summoning or impaneling grand or petit juries;

For limitation of civil or criminal actions;

For incorporating railroads or other works of internal improvements;

And in all other cases where a general law can be made applicable, no local or special law shall be enacted: Provided, That nothing herein contained shall be construed to prohibit the Legislature from passing special laws for the preservation of the game and fish of this State in certain localities.

Sec. 57. No local or special law shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the legislature of such bill and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the Legislature before such act shall be passed.

Sec. 58. The Legislature shall hold its sessions at the city of Austin, which is hereby declared to be the seat of government.

## ARTICLE IV.

*Executive Department.*

Section 1. The executive department of the State shall consist of a Governor, who shall be the chief executive officer of the State, a Lieutenant-Governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, and Attorney-General.

Sec. 2. All the above officers of the executive department (except Secretary of State) shall be elected by the qualified voters of the State at the time and places of election for members of the Legislature.

Sec. 3. The returns of every election for said executive officers, until otherwise provided by law, shall be made out, sealed up, and transmitted, by the returning officers prescribed by law, to the seat of government, directed to the Secretary of State, who shall deliver the same to the speaker of the House of Representatives, as soon as the speaker shall be chosen; and the said speaker shall, during the first week of the session of the Legislature, open and publish them in the presence of both houses of the Legislature. The person voted for at said election having the highest number of votes for each of said offices respectively, and being constitutionally eligible, shall be declared by the speaker, under sanction of the Legislature, to be elected to said office. But if two or more persons shall have the highest and an equal number of votes for either of said offices, one of them shall be immediately chosen to such office by joint vote of both houses of the Legislature. Contested elections for either of said offices shall be determined by both houses of the Legislature in joint session.

Sec. 4. The Governor shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for the term of two years, or until his successor shall be duly installed. He shall be at least thirty years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election.

Sec. 5. He shall, at stated times, receive as compensation for his services an annual salary of four thousand dollars, and no more, and shall have the use and occupation of the Governor's mansion, fixtures and furniture.

Sec. 24. The members of the Legislature shall receive from the public treasury such compensation for their services as may from time to time be provided by law, not exceeding five dollars per day for the first sixty days of each session; and after that not exceeding two dollars per day for the remainder of the session; except the first session held under this Constitution, when they may receive not exceeding five dollars per day for the first ninety days, and after that not exceeding two dollars per day for the remainder of the session. In addition to the per diem, the members of each House shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed five dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel by land regardless of railways or water routes; and the Comptroller of the State shall prepare and preserve a table of distances to each county seat now or hereafter to be established, and by such table the mileage of each member shall be paid; but no member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session.

Sec. 25. The State shall be divided into Senatorial districts of contiguous territory according to the number of qualified electors, as nearly as may be, and each district shall be entitled to elect one Senator, and no single county shall be entitled to more than one Senator.

Sec. 26. The members of the House of Representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by the number of members of which the House is composed: Provided, That whenever a single county has sufficient population to be entitled to a representative, such county shall be formed into a separate Representative district, and when two or more counties are required to make up the ratio of representation, such counties shall be contiguous to each other; and when any one county has more than sufficient population to be entitled to one or more representatives, such representative or representatives shall be apportioned to such county, and for any surplus of population it may be joined in a representative district with any other contiguous county or counties.

Sec. 27. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

Sec. 28. The Legislature shall, at its first session after the publication of each United States decennial census, apportion the State into senatorial and representative districts, agreeably to the provisions of sections 25 and 26 of this article; and until the next decennial census, when the first apportionment shall be made by the Legislature, the State shall be and it is hereby divided into senatorial and representative districts as provided by an ordinance of the Convention on that subject.

*Proceedings.*

Sec. 29. The enacting clause of all laws shall be, "Be it enacted by the Legislature of the State of Texas."

Sec. 30. No law shall be passed except by bill, and no bill shall be so amended in its passage through either House as to change its original purpose.

Sec. 31. Bills may originate in either House, and when passed by such House may be amended, altered or rejected by the other.

Sec. 32. No bill shall have the force of a law until it has been read on three several days in each House, and free discussion allowed thereon; but in cases of imperative public necessity (which necessity shall be stated in a preamble, or in the body of the bill), four-fifths of the House in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journals.

Sec. 33. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

Sec. 34. After a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session.

Sec. 35. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if

any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

Sec. 36. No law shall be revived or amended by reference to its title; but in such case the act revived or the section or sections amended shall be re-enacted and published at length.

Sec. 37. No bill shall be considered, unless it has been first referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature.

Sec. 38. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing, and the fact of signing shall be entered on the journals.

Sec. 39. No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless, in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journals.

Sec. 40. When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days.

Sec. 41. In all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given viva voce, except in the election of their officers.

#### *Requirements and Limitations.*

Sec. 42. The Legislature shall pass such laws as may be necessary to carry into effect the provisions of this Constitution.

Sec. 43. The first session of the Legislature under this Constitution shall provide for revising, digesting and publishing the laws, civil and criminal; and a like revision, digest and publication may be made every ten years thereafter: Provided,

That in the adoption of and giving effect to any such digest or revision, the Legislature shall not be limited by sections 35 and 36 of this article.

Sec. 44. The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for in this Constitution, but shall not grant extra compensation to any officer, agent, servant or public contractors, after such public service shall have been performed or contract entered into for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the treasury of the State, to any individual on a claim, real or pretended, when the same shall not have been provided for by pre-existing law; nor employ anyone in the name of the State unless authorized by pre-existing law.

Sec. 45. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law; and the Legislature shall pass laws for that purpose.

Sec. 46. The Legislature shall, at its first session after the adoption of this Constitution, enact effective vagrant laws.

Sec. 47. The Legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises in this State, as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other States.

Sec. 48. The Legislature shall not have the right to levy taxes or impose burdens upon the people, except to raise revenue sufficient for the economical administration of the government, in which may be included the following purposes:

The payment of all interest upon the bonded debt of the State;

The erection and repairs of public buildings;

The benefit of the sinking fund, which shall not be more than two per centum of the public debt; and for the payment of the present floating debt of the State, including matured bonds for the payment of which the sinking fund is inadequate;

The support of public schools, in which shall be included colleges and universities established by the State; and the maintenance and support of the Agricultural and Mechanical College of Texas;

The payment of the cost of assessing and collecting the revenue; and the payment of all officers, agents and employes of the State government, and all incidental expenses connected therewith;

The support of the blind asylum, the deaf and dumb asylum, and the insane asylum, the State cemetery and the public grounds of the State;

The enforcement of quarantine regulations on the coast of Texas;

The protection of the frontier.

Sec. 49. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or pay existing debt; and the debt created to supply deficiencies in the revenue shall never exceed in the aggregate at any one time two hundred thousand dollars.

Sec. 50. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State in aid of, or to any person, association or corporation, whether municipal or other; or to pledge the credit of the State, in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

Sec. 51. The Legislature shall have no power to make any grant, or authorize the making of any grant, of public money to any individual, association of individuals, municipal or other corporation whatsoever: Provided, that this shall not be so construed as to prevent the grant of aid in case of public calamity.

Sec. 52. The Legislature shall have no power to authorize any county, city, town, or other political corporation or subdivision of the State, to lend its credit or to grant public money or thing of value, in aid of or to any individual, association or corporation whatsoever; or to become a stockholder in such corporation, association or company.

Sec. 53. The Legislature shall have no power to grant, or to authorize any county or municipal authority to grant, any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered, or a contract has been entered into, and performed in whole or in part;



nor pay, nor authorize the payment of, any claim created against any county or municipality of the State, under any agreement or contract made without authority of law.

Sec. 54. The Legislature shall have no power to release or alienate any lien held by the State upon any railroad, or in anywise change the tenor or meaning or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

Sec. 55. The Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State, or to any county, or other municipal corporation therein.

Sec. 56. The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, authorizing—

The creation, extension or impairing of liens;

Regulating the affairs of counties, cities, towns, wards or school districts;

Changing the names of persons or places;

Changing the venue in civil or criminal cases;

Authorizing the laying out, opening, altering or maintaining of roads, highways, streets or alleys;

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

Vacating roads, town plats, streets or alleys;

Relating to cemeteries, graveyards, or public grounds not of the State;

Authorizing the adoption or legitimation of children;

Locating or changing county seats;

Incorporating cities, towns or villages, or changing their charters;

For the opening and conducting of elections, or fixing or changing the places of voting;

Granting divorces;

Creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts;

Changing the law of descent or succession;

Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before

courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate;

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables;

Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes;

Fixing the rate of interest;

Affecting the estates of minors, or persons under disability;

Remitting fines, penalties and forfeitures, and refunding moneys legally paid into the treasury;

Exempting property from taxation;

Regulating labor, trade, mining and manufacturing;

Declaring any named person of age;

Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties, or his securities from liability;

Giving effect to informal or invalid wills or deeds;

Summoning or impaneling grand or petit juries;

For limitation of civil or criminal actions;

For incorporating railroads or other works of internal improvements;

And in all other cases where a general law can be made applicable, no local or special law shall be enacted: Provided, That nothing herein contained shall be construed to prohibit the Legislature from passing special laws for the preservation of the game and fish of this State in certain localities.

Sec. 57. No local or special law shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the legislature of such bill and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the Legislature before such act shall be passed.

Sec. 58. The Legislature shall hold its sessions at the city of Austin, which is hereby declared to be the seat of government.

## ARTICLE IV.

*Executive Department.*

Section 1. The executive department of the State shall consist of a Governor, who shall be the chief executive officer of the State, a Lieutenant-Governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, and Attorney-General.

Sec. 2. All the above officers of the executive department (except Secretary of State) shall be elected by the qualified voters of the State at the time and places of election for members of the Legislature.

Sec. 3. The returns of every election for said executive officers, until otherwise provided by law, shall be made out, sealed up, and transmitted, by the returning officers prescribed by law, to the seat of government, directed to the Secretary of State, who shall deliver the same to the speaker of the House of Representatives, as soon as the speaker shall be chosen; and the said speaker shall, during the first week of the session of the Legislature, open and publish them in the presence of both houses of the Legislature. The person voted for at said election having the highest number of votes for each of said offices respectively, and being constitutionally eligible, shall be declared by the speaker, under sanction of the Legislature, to be elected to said office. But if two or more persons shall have the highest and an equal number of votes for either of said offices, one of them shall be immediately chosen to such office by joint vote of both houses of the Legislature. Contested elections for either of said offices shall be determined by both houses of the Legislature in joint session.

Sec. 4. The Governor shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for the term of two years, or until his successor shall be duly installed. He shall be at least thirty years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election.

Sec. 5. He shall, at stated times, receive as compensation for his services an annual salary of four thousand dollars, and no more, and shall have the use and occupation of the Governor's mansion, fixtures and furniture.

Sec. 6. During the time he holds the office of Governor he shall not hold any other office, civil, military or corporate; nor shall he practice any profession, and receive compensation, reward, fee, or the promise thereof, for the same; nor receive any salary, reward or compensation, or the promise thereof, from any person or corporation, for any service rendered or performed during the time he is Governor, or to be thereafter rendered or performed.

Sec. 7. He shall be commander-in-chief of the military forces of the State, except when they are called into actual service of the United States. He shall have power to call forth the militia to execute the laws of the State, to suppress insurrection, repel invasion, and protect the frontier from hostile incursions by Indians or other predatory bands.

Sec. 8. The Governor may, on extraordinary occasions, convene the Legislature at the seat of government, or at a different place in case that should be in possession of the public enemy, or in case of the prevalence of disease thereat. His proclamation therefor shall state specifically the purpose for which the Legislature is convened.

Sec. 9. The Governor shall, at the commencement of each session of the Legislature, and at the close of his term of office, give to the Legislature information, by message, of the condition of the State; and he shall recommend to the Legislature such measures as he may deem expedient. He shall account to the Legislature for all public moneys received and paid out by him from any funds subject to his order, with vouchers; and shall accompany his message with a statement of the same. And at the commencement of each regular session he shall present estimates of the amount of money required to be raised by taxation for all purposes.

Sec. 10. He shall cause the laws to be faithfully executed; and shall conduct, in person, or in such manner as shall be prescribed by law, all intercourse and business of the States with other States and with the United States.

Sec. 11. In all criminal cases, except treason and impeachment, he shall have power after conviction, to grant reprieves, commutations of punishment, and pardons; and under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate, he may grant pardons in cases of treason, and to this

end he may respite a sentence therefor, until the close of the succeeding session of the Legislature: Provided, That in all cases of remissions of fines and forfeitures, or grants of reprieve, commutation of punishment or pardon, he shall file in the office of the Secretary of State his reasons therefor.

Sec. 12. All vacancies in State or district offices, except members of the Legislature, shall be filled, unless otherwise provided by law, by appointment of the Governor, which appointment, if made during its session, shall be with the advice and consent of two-thirds of the Senate present. If made during the recess of the Senate, the said appointee, or some other person to fill such vacancy, shall be nominated to the Senate during the first ten days of its session. If rejected, said office shall immediately become vacant, and the Governor shall, without delay, make further nominations, until a confirmation takes place. But should there be no confirmation during the session of the Senate, the Governor shall not thereafter appoint any person to fill such vacancy who has been rejected by the Senate; but may appoint some other person to fill the vacancy until the next session of the Senate, or until the regular election to said office, should it sooner occur. Appointments to vacancies in offices elective by the people shall only continue until the first general election thereafter.

Sec. 13. During the session of the Legislature the Governor shall reside where its sessions are held, and at all other times at the seat of government, except when by act of the legislature he may be required or authorized to reside elsewhere.

Sec. 14. Every bill which shall have passed both houses of the Legislature shall be presented to the Governor for his approval. If he approve, he shall sign it; but if he disapprove it, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered; and if approved by two-thirds of the members of that house, it shall become a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor

with his objections within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent its return; in which case it shall be a law unless he shall file the same, with his objections, in the office of the Secretary of State, and give notice thereof by public proclamation within twenty days after such adjournment. If any bill presented to the Governor contains several items of appropriation, he may object to one or more of such items, and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and no item so objected to shall take effect. If the Legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two-thirds of the members present of each house, the same shall be part of the law notwithstanding the objections of the Governor. If any such bill, containing several items of appropriation, not having been presented to the Governor ten days (Sunday excepted) prior to adjournment, be in the hands of the Governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objections to any items thereof, and make proclamation of the same, and such item or items shall not take effect.

Sec. 15. Every order, resolution or vote to which the concurrence of both houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and, before it shall take effect, shall be approved by him; or, being disapproved, shall be repassed by both houses; and all the rules, provisions and limitations shall apply thereto as prescribed in the last preceding section in the case of a bill.

Sec. 16. There shall also be a Lieutenant-Governor, who shall be chosen at every election for Governor, by the same electors, in the same manner, continue in office for the same time, and possess the same qualifications. The electors shall distinguish for whom they vote as Governor and for whom as Lieutenant-Governor. The Lieutenant-Governor shall, by virtue of his office, be president of the Senate, and shall have, when in committee of the whole, a right to debate and vote on all questions; and when the Senate is equally divided, to give the casting vote.

In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant-Governor shall exercise the powers and authority appertaining to the office of Governor until another be chosen at the periodical election, and be duly qualified; or until the Governor impeached, absent or disabled, shall be acquitted, return, or his disability be removed.

Sec. 17. If, during the vacancy in the office of Governor, the Lieutenant-Governor should die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached or absent from the State, the president of the Senate, for the time being, shall, in like manner, administer the government until he shall be superseded by a Governor or Lieutenant-Governor. The Lieutenant-Governor shall, while he acts as president of the Senate, receive for his services the same compensation and mileage which shall be allowed to the members of the Senate, and no more; and during the time he administers the government as Governor, he shall receive in like manner the same compensation which the governor would have received had he been employed in the duties of his office, and no more. The president, for the time being, of the Senate, shall, during the time he administers the government, receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office.

Sec. 18. The Lieutenant-Governor or President of the Senate succeeding to the office of Governor, shall, during the entire term to which he may succeed, be under all the restrictions and inhibitions imposed in this Constitution on the Governor.

Sec. 19. There shall be a seal of the State, which shall be kept by the Secretary of State, and used by him officially under the direction of the Governor. The seal of the State shall be a star of five points, encircled by olive and live oak branches, and the words "The State of Texas."

Sec. 20. All commissions shall be in the name and by the authority of the State of Texas, sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

Sec. 21. There shall be a Secretary of State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and who shall continue in office during the term of service of the Governor. He shall authenticate the publication of the laws, and keep a fair register of all official acts and

proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the Legislature or either House thereof, and shall perform such other duties as may be required of him by law. He shall receive for his services an annual salary of two thousand dollars, and no more.

Sec. 22. The Attorney-General shall hold his office for two years and until his successor is duly qualified. He shall represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party, and shall especially inquire into the charter rights of all private corporations, and, from time to time, in the name of the State, take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power, or demanding or collecting any species of taxes, toll, freight or wharfage not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the Governor and other executive officers, when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary of two thousand dollars, and no more, besides such fees as may be prescribed by law: Provided, That the fees which he may receive shall not amount to more than two thousand dollars annually.

Sec. 23. The Comptroller of Public Accounts, the Treasurer, and the Commissioner of the General Land Office, shall each hold office for the term of two years, and until his successor is qualified; receive an annual salary of two thousand and five hundred dollars, and no more; reside at the capital of the State during his continuance in office; and perform such duties as are or may be required of him by law. They and the Secretary of State shall not receive to their own use any fees, costs or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this section, or in his office, shall be paid, when received, into the State treasury.

Sec. 24. An account shall be kept by the officers of the executive department, and by all officers and managers of State institutions, of all moneys and choses in action received and disbursed or otherwise disposed of by them, severally, from all



sources, and for every service performed; and a semi-annual report thereof shall be made to the Governor under oath. The Governor may at any time require information in writing from any and all of said officers or managers, upon any subject relating to the duties, condition, management and expenses of their respective offices and institutions, which information shall be required by the Governor under oath, and the Governor may also inspect their books, accounts, vouchers and public funds; and any officer or manager who at any time shall willfully make a false report or give false information, shall be guilty of perjury, and so adjudged and punished accordingly, and removed from office.

Sec. 25. The Legislature shall pass efficient laws facilitating the investigation of breaches of trust and duty by all custodians of public funds, and providing for their suspension from office on reasonable cause shown, and for the appointment of temporary incumbents of their offices during such suspension.

Sec. 26. The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint a convenient number of notaries public for each county, who shall perform such duties as now are or may be prescribed by law.

## ARTICLE V.

### *Judicial Department.*

Section 1. The judicial power of this State shall be vested in one Supreme Court, in courts of civil appeals, in a court of criminal appeals, in District Courts, in County Courts, in Commissioners' Courts, in courts of justices of the peace, and in such other courts as may be provided by law. The Criminal District Court of Galveston and Harris counties shall continue with the district, jurisdiction, and organization now existing by law until otherwise provided by law. The Legislature may establish such other courts as it may deem necessary, and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the district and other inferior courts thereto.

Sec. 2. The Supreme Court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to the decision of a case. No person shall be eligible to the office of chief justice or associate justice of the Supreme Court

unless he be, at the time of his election, a citizen of the United States and of this State, and unless he shall have attained the age of thirty years, and shall have been a practicing lawyer or a judge of a court, or such lawyer and judge together, at least seven years. Said chief justice and associate justices shall be elected by the qualified voters of the State at a general election, shall hold their offices six years or until their successors are elected and qualified, and shall each receive an annual salary of four thousand dollars until otherwise provided by law. In case of a vacancy in the office of chief justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State. The judges of the Supreme Court who may be in office at the time this amendment takes effect, shall continue in office until the expiration of their term of office under the present Constitution, and until their successors are elected and qualified.

Sec. 3. The Supreme Court shall have appellate jurisdiction only, except as herein specified, which shall be co-extensive with the limits of the State. Its appellate jurisdiction shall extend to questions of law arising in cases of which the courts of civil appeals have appellate jurisdiction, under such restrictions and regulations as the Legislature may prescribe. Until otherwise provided by law, the appellate jurisdiction of the Supreme Court shall extend to questions of law arising in the cases in the courts of civil appeals in which the judges of any court of civil appeals may disagree, or where the several courts of civil appeals may hold differently on the same question of law, or where a statute of the State is held void. The Supreme Court and the justices thereof shall have power to issue writs of habeas corpus as may be prescribed by law, and under such regulations as may be prescribed by law the said courts and the justices thereof may issue the writs of mandamus, procedendo, certiorari, and such other writs as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the Supreme Court to issue writs of quo warranto and mandamus in such cases as may be specified, except as against the Governor of the State. The Supreme Court shall also have power, upon affidavit or otherwise as by the court may be determined, to ascertain such matters of fact as may be necessary to the proper exercise

of its jurisdiction. The Supreme Court shall sit for the transaction of business from the first Monday in October of each year until the last Saturday of June in the next year, inclusive, at the capital of the State. The Supreme Court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter be required by law, and he may hold his office for four years, and shall be subject to removal by said court for good cause, entered of record on the minutes of said court, who shall receive such compensation as the Legislature may provide.

Sec. 4. The Court of Criminal Appeals shall consist of three judges, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to a decision of said court; said judges shall have the same qualifications and receive the same salaries as the judges of the Supreme Court. They shall be elected by the qualified voters of the State at a general election, and shall hold their offices for a term of six years. In case of a vacancy in the office of a judge of the Court of Criminal Appeals, the Governor shall fill such vacancy by appointment for the unexpired term. The judges of the Court of Appeals who may be in office at the time when this amendment takes effect, shall continue in office until the expiration of their term of office under the present Constitution and laws as judges of the Court of Criminal Appeals.

Sec. 5. The Court of Criminal Appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law. The Court of Criminal Appeals and the judges thereof shall have the power to issue the writ of habeas corpus, and, under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Court of Criminal Appeals shall have power, upon affidavit or otherwise, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The Court of Criminal Appeals shall sit for the transaction of business from the first Monday in October to the last Saturday of June in each year, at the State capital and two other places (or the capital city) if the Legislature shall hereafter so provide. The Court of Criminal Appeals shall appoint a clerk for each place at which it may sit, and each clerk shall give bond in such manner as is now or may here-

after be required by law, and who shall hold his office for four years unless sooner removed by the court for good cause, entered of record on the minutes of said court.

Sec. 6. The Legislature shall, as soon as practicable after the adoption of this amendment, divide the State into not less than two nor more than three supreme judicial districts, and thereafter into such additional districts as the increase in population and business may require, and shall establish a Court of Civil Appeals in each of said districts, which shall consist of a chief justice and two associate justices, who shall have the qualifications as herein prescribed for justices of the Supreme Court. Said Court of Civil Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law: Provided, That the decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error. Each of said courts of civil appeals shall hold its sessions at a place in its district to be designated by the Legislature, and at such time as may be prescribed by law. Said justices shall be elected by the qualified voters of their respective districts, at a general election, for a term of six years, and shall receive for their services the sum of three thousand five hundred dollars per annum until otherwise provided by law. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law. Each Court of Civil Appeals shall appoint a clerk, in the same manner as the clerk of the Supreme Court, which clerk shall receive such compensation as may be fixed by law. Until the organization of the Courts of Civil Appeals and Criminal Appeals, as herein provided for, the jurisdiction, power, and organization and location of the Supreme Court, the Court of Appeals, and the commission of appeals shall continue as they were before the adoption of this amendment. All civil cases which may be pending in the Court of Appeals shall, as soon as practicable after the organization of the Courts of Civil Appeals, be certified to and the records thereof transmitted to the proper Courts of Civil Appeals, to be decided by said courts. At the first session of the Supreme Court, the Court of Criminal Appeals, and such of the Courts of Civil Appeals which may be hereafter created

under this article after the first election of the judges of such courts under this amendment, the terms of office of the judges of each court shall be divided into three classes, and the justices thereof shall draw for the different classes. Those who shall draw class No. 1 shall hold their offices two years, those drawing class No. 2 shall hold their offices for four years, and those who may draw class No. 3 shall hold their offices for six years from the date of their election and until their successors are elected and qualified; and thereafter each of the said judges shall hold his office for six years, as provided in this Constitution.

Sec. 7. The State shall be divided into as many judicial districts as may now or hereafter be provided by law, which may be increased or diminished by law. For each district there shall be elected by the qualified voters thereof, at a general election, a judge, who shall be a citizen of the United States and of this State, who shall have been a practicing lawyer of this State or a judge of a court in this State for four years next preceding his election; who shall have resided in the district in which he was elected for two years next preceding his election; who shall reside in his district during his term of office; who shall hold his office for the period of four years, and shall receive for his services an annual salary of two thousand five hundred dollars, until otherwise changed by law. He shall hold the regular terms of his court at the county seat of each county in his district at least twice in each year, in such manner as may be prescribed by law. The Legislature shall have power by general or special laws to authorize the holding of special terms of the court, or the holding of more than two terms in any county for the dispatch of business. The Legislature shall also provide for the holding of District Court when the judge thereof is absent, or is from any cause disabled or disqualified from presiding. The district judges who may be in office when this amendment takes effect shall hold their offices until their respective terms shall expire under their present election or appointment.

Sec. 8. The District Court shall have original jurisdiction in all criminal cases of the grade of felony; in all suits in behalf of the State to recover penalties, forfeitures, and escheats; of all cases of divorce; of all misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land and for

the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration, or attachment when the property levied on shall be equal to or exceed in value five hundred dollars; of all suits, complaints, or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars exclusive of interest; of contested elections; and said court and the judges thereof shall have power to issue writs of habeas corpus, mandamus, injunction, and certiorari, and all writs necessary to enforce their jurisdiction. The District Court shall have appellate jurisdiction and general control in probate matters over the County Court established in each county, for appointing guardians, granting letters testamentary and of administration, probating wills, for settling the accounts of executors, administrators, and guardians, and for the transaction of all business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians, and minors, under such regulations as may be prescribed by law. The District Court shall have appellate jurisdiction and general supervisory control over the County Commissioners' Court, with such exceptions and under such regulations as may be prescribed by law; and shall have general original jurisdiction over all causes of action whatever for which a remedy or jurisdiction is not provided by law or this Constitution, and such other jurisdiction, original and appellate, as may be provided by law.

Sec. 9. There shall be a clerk for the District Court of each county, who shall be elected by the qualified voters for the State and county officers, and who shall hold his office for two years, subject to removal by information, or by indictment of a grand jury, and conviction by a petit jury. In case of vacancy the judge of the District Court shall have the power to appoint a clerk, who shall hold until the office can be filled by election.

Sec. 10. In the trial of all causes in the District Courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury; but no jury shall be impaneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum and with such exceptions as may be prescribed by the Legislature.

Sec. 11. No judge shall sit in any case wherein he may be interested, or when either of the parties may be connected with him either by affinity or consanguinity, within such a degree as may be prescribed by law, or when he shall have been counsel in the case. When the Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals, or any member of either, shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of such cause or causes. When a judge of the District Court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law. And the district judges may exchange districts, or hold courts for each other when they may deem it expedient, and shall do so when required by law. This disqualification of judges of inferior tribunals shall be remedied, and vacancies in their offices filled, as may be prescribed by law.

Sec. 12. All judges of courts of this State (shall), by virtue of their office, be conservators of the peace throughout the State. The style of all writs and process shall be, "The State of Texas." All prosecutions shall be carried on in the name and by authority of the State of Texas, and shall conclude "against the peace and dignity of the State."

Sec. 13. Grand and petit juries in the District Courts shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases, and in trials of criminal cases below the grade of felony in the District Courts, nine members of the jury, concurring, may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors, not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict: Provided, That the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

Sec. 14. The judicial districts in this State and the time of holding the courts therein are fixed by ordinance forming part of this Constitution until otherwise provided by law.

Sec. 15. There shall be established in each county in this State a County Court, which shall be a court of record; and there shall be elected in each county by the qualified voters, a county judge, who shall be well informed in the law of the State, shall be a conservator of the peace, and shall hold his office for two years and until his successor shall be elected and qualified. He shall receive as a compensation for his services such fees and perquisites as may be prescribed by law.

Sec. 16. The County Court shall have original jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to the Justice's Court as the same is now or may hereafter be prescribed by law, and when the fine to be imposed shall exceed \$200; and they shall have exclusive jurisdiction in all civil cases when the matter in controversy shall exceed in value \$200 and not exceed \$500, exclusive of interest; and concurrent jurisdiction with the District Court when the matter in controversy shall exceed \$500 and not exceed \$1,000, exclusive of interest, but shall not have jurisdiction of suits for the recovery of land. They shall have appellate jurisdiction in cases civil and criminal of which Justices' Courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from shall exceed twenty dollars, exclusive of cost, under such regulations may be prescribed by law. In all appeals from justice's Court there shall be a trial de novo in the County Court, and appeals may be prosecuted from the final judgment rendered in such cases by the County Court, as well as all cases civil and criminal of which the County Court has exclusive or concurrent or original jurisdiction of civil appeals in civil cases to the Court of Civil Appeals and in such criminal cases to the Court of Criminal Appeals, with such exceptions and under such regulations as may be prescribed by law. The County Court shall have the general jurisdiction of a Probate Court; they shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle accounts of executors; transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the settlement, par-



tition, and distribution of estates of deceased persons; and to apprentice minors, as provided by law; and the County Court or judge thereof shall have power to issue writs of injunction, mandamus, and all writs necessary to the enforcement of the jurisdiction of said Court, and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the County Court or any other court or tribunal inferior to said court. The County Court shall not have criminal jurisdiction in any county where there is a criminal District Court unless expressly conferred by law; and in such counties appeals from Justices' Courts and other inferior courts and tribunals in criminal cases shall be to the criminal District Court, under such regulations as may be prescribed by law, and in all such cases an appeal shall lie from such District Court to the Court of Criminal Appeals. When the judge of the County Court is disqualified in any case pending in the County Court the parties interested may by consent appoint a proper person to try said case, or upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law.

Sec. 17. The County Court shall hold a term for civil business at least once in every two months, and shall dispose of probate business, either in term time or vacation, as may be provided by law, and said court shall hold a term for criminal business once in every month, as may be provided by law. Prosecutions may be commenced in said court by information filed by the county attorney, or by affidavit, as may be provided by law. Grand juries impaneled in the District Courts shall inquire into misdemeanors, and all indictments therefor returned into the District Courts shall forthwith be certified to the County Courts, or other inferior courts having jurisdiction to try them, for trial; and if such indictment be quashed in the county, or other inferior courts, the person charged shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the County Court shall consist of six men; but no jury shall be impaneled to try a civil case, unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.

Sec. 18. Each organized county in the State, now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. The present county courts shall make the first division. Subsequent divisions shall be made by the commissioners' court provided for by this constitution. In each such precinct there shall be elected, at each biennial election, one justice of the peace and one constable, each of whom shall hold his office for two years and until his successor shall be elected and qualified: Provided, That in any precinct in which there may be a city of eight thousand or more inhabitants, there shall be elected two justices of the peace. Each county shall in like manner be divided into four commissioners' precincts, in each of which there shall be elected by the qualified voters thereof, one county commissioner, who shall hold his office for two years and until his successor shall be elected and qualified. The county commissioner so chosen, with the county judge as presiding officer, shall compose the County Commissioners' Court, which shall exercise such powers and jurisdiction over all county business as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed.

Sec. 19. Justices of the peace shall have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed by law may not be more than for two hundred dollars, and in civil matters of all cases where the amount in controversy is two hundred dollars or less, exclusive of interest, of which exclusive original jurisdiction is not given to the District or County Courts; and such other jurisdiction, criminal or civil, as may be provided by law, under such regulations as may be prescribed by law; and appeals to the County Courts shall be allowed in all cases decided in Justices' Courts where the judgment is for more than twenty dollars, exclusive of costs, and in all criminal cases, under such regulations as may be prescribed by law. And the justices of the peace shall be ex officio notaries public; and they shall hold their courts at such times and places as may be provided by law.

Sec. 20. There shall be elected for each county, by the qualified voters, a county clerk, who shall hold his office for two years, who shall be clerk of the County and Commissioners' Courts, and recorder of the county, whose duties, perquisites and fees of office shall be prescribed by the Legislature, and a

vacancy in whose office shall be filled by the Commissioners' Court, until the next general election for county and State officers: Provided, That in counties having a population of less than eight thousand persons there may be an election of a single clerk, who shall perform the duties of district and county clerks.

Sec. 21. A county attorney, for counties in which there is not a resident criminal district attorney, shall be elected by the qualified voters of each county, who shall be commissioned by the Governor, and hold his office for the term of two years. In case of vacancy the Commissioners' Court of the county shall have power to appoint a county attorney until the next general election. The county attorneys shall represent the State in all cases in the district and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a district attorney, the respective duties of district attorneys and county attorneys shall, in such counties, be regulated by the Legislature. The Legislature may provide for the election of district attorneys in such districts as may be deemed necessary, and make provision for the compensation of district attorneys and county attorneys: Provided, District attorneys shall receive an annual salary of five hundred dollars, to be paid by the State, and such fees, commissions and perquisites as may be provided by law. County attorneys shall receive as compensation only such fees, commissions and perquisites as may be prescribed by law.

Sec. 22. The Legislature shall have power, by local or general law, to increase, diminish or change the civil and criminal jurisdiction of County Courts; and in cases of any such change of jurisdiction the Legislature shall also conform the jurisdiction of the other courts to such change.

Sec. 23. There shall be elected by the qualified voters of each county a sheriff, who shall hold his office for the term of two years, whose duties, and perquisites, and fees of office, shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the Commissioners' Court until the next general election for county or State officers.

Sec. 24. County judges, county attorneys, clerks of the District and County Courts, justices of the peace, constables, and other county officers, may be removed by the judges of the Dis-

trict Courts for incompetency, official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing, and the finding of its truth by a jury.

Sec. 25. The Supreme Court shall have power to make and establish rules of procedure, not inconsistent with the laws of the State, for the government of said court and the other courts of this State, to expedite the dispatch of business therein.

Sec. 26. The State shall have no right of appeal in criminal cases.

Sec. 27. The Legislature shall, at its first session, provide for the transfer of all business, civil and criminal, pending in District Courts, over which jurisdiction is given by this Constitution to the County Courts or other inferior courts, to such county or inferior courts, and for the trial or disposition of all such causes by such county or other inferior courts.

Sec. 28. Vacancies in the office of judges of the Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals, and the District Courts, shall be filled by the Governor until the next succeeding general election, and vacancies in the office of county judge and justices of the peace shall be filled by the Commissioners' Court until the next general election for such offices.

Sec. 29. The County Court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature, or by the Commissioners' Court of the county under authority of law, and such other terms each year as may be fixed by the Commissioners' Court: Provided, The Commissioners' Court of any county having fixed the times and number of terms of the County Court, shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulation as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men. Until otherwise provided, the terms of the County Court shall be held on the first Mondays in February, May, August and November, and may remain in session three weeks

ARTICLE VI.

*Suffrage.*

Section 1. The following classes of persons shall not be allowed to vote in this State, to wit:

First. Persons under twenty-one years of age.

Second. Idiots and lunatics.

Third. All paupers supported by any county.

Fourth. All persons convicted of any felony, subject to such exceptions as the Legislature may make.

Fifth. All soldiers, marines, and seamen employed in the service of the army or navy of the United States.

Sec. 2. Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector; and every male person of foreign birth, subject to none of the foregoing disqualifications, who, at any time before an election, shall have declared his intention to become a citizen of the United States, in accordance with the federal naturalization laws, and shall have resided in this State one year next preceding such election, and the last six months in the county in which he offers to vote, shall also be deemed a qualified elector; and all electors shall vote in the election precinct of their residence: Provided, That electors living in any unorganized county, may vote at any election precinct in the county to which such county is attached for judicial purposes.

Sec. 3. All qualified electors of the State, as herein described, who shall have resided for six months immediately preceding an election within the limits of any city or corporate town, shall have the right to vote for mayor and all other elective officers; but in all elections to determine expenditure of money or assumption of debt, only those shall be qualified to vote who pay taxes on property in said city or incorporated town: Provided, That no poll tax for the payment of debts thus incurred shall be levied upon the persons debarred from voting in relation thereto.

Sec. 4. In all elections by the people the vote shall be by ballot, and the Legislature shall provide for the numbering of

tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot-box; and the Legislature may provide by law for the registration of all voters in all cities containing a population of ten thousand inhabitants or more.

Sec. 5. Voters shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

#### ARTICLE VII.

##### *Education—The Public Free Schools.*

Section 1. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

Sec. 2. All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads, or other corporations, of any nature whatsoever; one-half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual public school fund.

Sec. 3. One-fourth of the revenue derived from the State occupation taxes, and a poll tax of one dollar on every male inhabitant of this State between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools, and, in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount, not to exceed twenty cents on the one hundred dollars valuation, as, with the available school fund arising from all other sources, will be sufficient to maintain and support the public free schools of this State for a period of not less than six months in each year; and the Legislature may also provide for the formation of school districts within all or any of the counties of this State, by general or special law, without the local notice required in other cases of special legislation, and may authorize an additional annual ad valorem tax to be levied and collected within such school districts for the further maintenance of public free schools and the erection of school build-

ings therein: Provided, That two-thirds of the qualified property tax-paying voters of the district, voting at an election to be held for that purpose, shall vote such tax, not to exceed in any one year twenty cents on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts.

Sec. 4. The lands herein set apart to the public free school fund shall be sold under such regulations, at such times, and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to purchasers thereof. The Comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the board of education herein provided for, in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments.

Sec. 5. The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund; and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, to which the Legislature may add not exceeding one per cent annually of the total value of the permanent school fund; such value to be ascertained by the board of education until otherwise provided by law; and the available school fund shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated or to be used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population and applied in such manner as may be provided by law.

Sec. 6. All lands heretofore or hereafter granted to the several counties of this State for educational purposes, are of right the property of said counties respectively, to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its

lands in whole or in part, in manner to be provided by the Commissioners' Court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands, and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the counties shall be responsible for all investments; the interest thereon, and other revenue, except the principal, shall be available fund.

Sec. 7. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

Sec. 8. The Governor, Comptroller, and Secretary of State shall constitute a board of education, who shall distribute said funds to the several counties, and perform such other duties concerning public schools as may be prescribed by law.

#### *Asylums.*

Sec. 9. All lands heretofore granted for the benefit of the lunatic, blind, deaf and dumb, and orphan asylums, together with such donations as may have been or may hereafter be made to either of them, respectively, as indicated in the several grants, are hereby set apart to provide a permanent fund for the support, maintenance and improvement of said asylums. And the Legislature may provide for the sale of the lands and the investment of the proceeds in manner as provided for the sale and investment of school lands in section four of this article.

#### *University.*

Sec. 10. The Legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a university of the first class, to be located by a vote of the people of this State, and styled "The University of Texas," for the promotion of literature and the arts and sciences, including an agricultural and mechanical department.

Sec. 11. In order to enable the Legislature to perform the duties set forth in the foregoing section, it is hereby declared



that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of "The University of Texas," together with all the proceeds of sales of the same, heretofore made or hereafter to be made, and all grants, donations, and appropriations that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a permanent university fund. And the same as realized and received into the treasury of the State (together with such sum belonging to the fund as may now be in the treasury), shall be invested in bonds of the State of Texas, if the same can be obtained, if not, then in United States bonds; and the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing section: Provided, That the one-tenth of the alternate sections of the lands granted to railroads, reserved by the State, which were set apart and appropriated to the establishment of "The University of Texas," by an act of the Legislature of February 11, 1858, entitled "An act to establish 'The University of Texas,'" shall not be included in or constitute a part of the permanent university fund.

Sec. 12. The land herein set apart to the university fund shall be sold under such regulations, at such time and on such terms as may be provided by law; and the Legislature shall provide for the prompt collection, at maturity, of all debts due on account of university lands heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchasers.

Sec. 13. The Agricultural and Mechanical College of Texas, established by an act of the Legislature, passed April 17, 1871, located in the county of Brazos, is hereby made and constituted a branch of the University of Texas, for instruction in agriculture, the mechanic arts and the natural sciences connected therewith. And the Legislature shall, at its next session, make an appropriation, not to exceed forty thousand dollars, for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation.

Sec. 14. The Legislature shall, also, when deemed practicable, establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the State, to be located by a vote of the people: Provided, That

no tax shall be levied and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

Sec. 15. In addition to the lands heretofore granted to the University of Texas, there is hereby set apart and appropriated, for the endowment, maintenance and support of said university and its branches, one million acres of the unappropriated public domain of the State, to be designated and surveyed as may be provided by law; and said lands shall be sold under the same regulations and the proceeds invested in the same manner as is provided for the sale and investment of the permanent university fund; and the Legislature shall not have power to grant any relief to the purchasers of said lands.

#### ARTICLE VIII.

##### *Taxation and Revenue.*

Section 1. Taxation shall be equal and uniform. All property in this State, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law. The Legislature may impose a poll tax. It may also impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this State. It may also tax incomes of both natural persons and corporations, other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax: Provided, That two hundred and fifty dollars worth of household and kitchen furniture, belonging to each family in this State, shall be exempt from taxation, and provided further, that the occupation tax levied by any county, city or town, for any year, on persons or corporations pursuing any profession or business, shall not exceed one-half of the tax levied by the State for the same period on such profession or business.

Sec. 2. All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax; but the Legislature may, by general laws, exempt from taxation public property used for public purposes; actual places of religious worship; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes (and the necessary furniture of all schools), and institutions of

purely public charity; and all laws exempting property from taxation, other than the property above mentioned, shall be void.

Sec. 3. Taxes shall be levied and collected by general laws and for public purposes only.

Sec. 4. The power to tax corporations and corporate property shall not be surrendered or suspended by act of the Legislature, by any contract or grant to which the State shall be a party.

Sec. 5. All property of railroad companies, of whatever description, lying or being within the limits of any city or incorporated town within this State, shall bear its proportionate share of municipal taxation, and if any such property shall not have been heretofore rendered, the authorities of the city or town within which it lies shall have power to require its rendition, and collect the usual municipal tax thereon, as on other property lying within said municipality.

Sec. 6. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except by the first Legislature to assemble under this Constitution, which may make the necessary appropriations to carry on the government until the assemblage of the sixteenth Legislature.

Sec. 7. The Legislature shall not have power to borrow, or in any manner diverted from its purpose, any special fund that may, or ought to, come into the treasury; and shall make it penal for any person or persons to borrow, withhold, or in any manner to divert from its purpose, any special fund, or any part thereof.

Sec. 8. All property of railroad companies shall be assessed, and the taxes collected in the several counties in which said property is situated, including so much of the road-bed and fixtures as shall be in each county. The rolling stock may be assessed in gross in the county where the principal office of the company is located, and the county tax paid upon it shall be apportioned by the Comptroller, in proportion to the distance such road may run through any such county, among the several counties through which the road passes, as a part of their tax assets.

Sec. 9. The State tax on property, exclusive of the tax necessary to pay the public debt and of the taxes provided for the

benefit of public free schools, shall never exceed thirty-five cents on the one hundred dollars valuation; and no county, city, or town shall levy more than twenty-five cents for city or county purposes, and not exceed fifteen cents for roads and bridges on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of the amendment, September 25, A. D. 1883; and for the erection of public buildings, streets, sewers, water-works, and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars valuation in any one year, and except as is in this Constitution otherwise provided; and the Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads: Provided, That a majority of the qualified property tax paying voters of the county, voting at an election to be held for that purpose, shall vote such tax, not to exceed fifteen cents on the one hundred dollars valuation of the property subject to taxation in such county. And the Legislature may pass local laws for the maintenance of public roads and highways without the local notice required for special or local laws.

Sec. 10. The Legislature shall have no power to release the inhabitants of, or property in, any county, city or town, from the payment of taxes levied for State or county purposes, unless in case of great public calamity in any such county, city or town, when such release may be made by a vote of two-thirds of each House of the Legislature.

Sec. 11. All property, whether owned by persons or corporations, shall be assessed for taxation and the taxes paid in the county where situated, but the Legislature may, by a two-thirds vote, authorize the payment of taxes of non-residents of counties to be made at the office of the Comptroller of Public Accounts. And all lands and other property not rendered for taxation by the owner thereof shall be assessed at its fair value by the proper officer.

Sec. 12. All property subject to taxation in, and owned by residents of unorganized counties, shall be assessed and the taxes thereon paid in the counties to which such unorganized counties shall be attached for judicial purposes; and lands lying in and owned by non-residents of unorganized counties, and lands lying in the territory not laid off into counties, shall be assessed and the taxes thereon collected at the office of the Comptroller of the State.

Sec. 13. Provision shall be made by the first Legislature for the speedy sale of a sufficient portion of all lands and other property for the taxes due thereon, and every year thereafter for the sale of all lands and other property upon which the taxes have not been paid, and the deed of conveyance to the purchaser for all lands and other property thus sold shall be held to vest a good and perfect title in the purchaser thereof, subject to be impeached only for actual fraud: Provided, That the former owner shall, within two years from date of purchaser's deed, have the right to redeem the land upon the payment of double the amount of money paid for the land.

Sec. 14. There shall be elected by the qualified electors of each county, at the same time and under the same law regulating the election of State and county officers, an assessor of taxes, who shall hold his office for two years and until his successor is elected and qualified.

Sec. 15. The annual assessment made upon landed property shall be a special lien thereon, and all property, both real and personal, belonging to any delinquent taxpayer shall be liable to seizure and sale for the payment of all the taxes and penalties due by such delinquent; and such property may be sold for the payment of the taxes and penalties due by such delinquent, under such regulations as the Legislature may provide.

Sec. 16. The sheriff of each county, in addition to his other duties, shall be the collector of taxes therefor. But in counties having ten thousand inhabitants, to be determined by the last preceding census of the United States, a collector of taxes shall be elected, to hold office for two years and until his successor shall be elected and qualified.

Sec. 17. The specifications of the objects and subjects of taxation shall not deprive the Legislature of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this Constitution.

Sec. 18. The Legislature shall provide for equalizing, as near as may be, the valuation of all property subject to or rendered for taxation (the county Commissioners' Court to constitute a board of equalization); and may also provide for the classification of all lands with reference to their value in the several counties.

Sec. 19. Farm products in the hands of the producer and family supplies for home and farm use, are exempt from all taxation until otherwise directed by a two-thirds vote of all the members elected to both Houses of the Legislature.

#### ARTICLE IX.

##### *Counties.*

Section 1. The Legislature shall have power to create counties for the convenience of the people, subject to the following provisions:

First. In the territory of the State exterior to all counties now existing, no new counties shall be created with a less area than nine hundred square miles, in a square form, unless prevented by pre-existing boundary lines. Should the State lines render this impracticable in border counties, the area may be less. The territory referred to may, at any time, in whole or in part, be divided into counties in advance of population, and attached, for judicial and land surveying purposes, to the most convenient organized county or counties.

Second. Within the territory of any county or counties now existing, no new county shall be created with a less area than seven hundred square miles, nor shall any such county now existing be reduced to a less area than seven hundred square miles. No new counties shall be created so as to approach nearer than twelve miles of the county seat of any county from which it may, in whole or in part, be taken. Counties of a less area than nine hundred, but of seven hundred or more square miles, within counties now existing, may be created by a two-thirds vote of each House of the Legislature, taken by yeas and nays, and entered on the journals. Any county now existing may be reduced to an area of not less than seven hundred square miles by a like two-thirds vote. When any part of a county is stricken off and attached to or created into another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it was taken, in such manner as may be prescribed by law.

Third. No part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as

may be provided by law, to a vote of the electors of both counties, and shall have received a majority of those voting on the question in each.

*County Seats.*

Sec. 2. The Legislature shall pass laws regulating the manner of removing county seats, but no county seat situated within five miles of the geographical center of the county shall be removed except by a vote of two-thirds of all the electors voting on the subject. A majority of such electors, however, voting at such election, may remove a county seat from a point more than five miles from the geographical center of the county to a point within five miles of such center, in either case the center to be determined by a certificate from the commissioner of the general land office.

ARTICLE X.

*Railroads.*

Section 1. Any railroad corporation or association, organized under the law for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination, under such regulations as shall be prescribed by law.

Sec. 2. Railroads heretofore constructed or which may hereafter be constructed in this State, are hereby declared public highways and railroad companies common carriers. The Legislature shall pass laws to regulate railroad freight and passenger tariffs, to correct abuses, and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce the same by adequate penalties; and to the further accomplishments of these objects and purposes may provide and establish all requisite means and agencies invested with such powers as may be deemed adequate and advisable.

Sec. 3. Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall

be made, and where shall be kept, for inspection by the stockholders of such corporations, books, in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfer of said stock, with the date of the transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and the president or superintendent shall report annually, under oath, to the Comptroller or Governor, their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. The Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

Sec. 4. The rolling stock and all other moveable property belonging to any railroad company or corporation in this State shall be considered personal property, and its real and personal property, or any part thereof, shall be liable to execution and sale in the same manner as the property of individuals; and the Legislature shall pass no laws exempting any such property from execution and sale.

Sec. 5. No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line.

Sec. 6. No railroad company organized under the laws of this State shall consolidate by private or judicial sale or otherwise with any railroad company organized under the laws of any other State or of the United States.

Sec. 7. No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town or village, or upon any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.



Sec. 8. No railroad corporation in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

Sec. 9. No railroad hereafter constructed in this State shall pass within a distance of three miles of any county seat without passing through the same, and establishing and maintaining a depot therein, unless prevented by natural obstacles, such as streams, hills or mountains: Provided, Such town or its citizens shall grant the right of way through its limits and sufficient ground for ordinary depot purposes.

#### ARTICLE XI.

##### *Municipal Corporations.*

Section 1. The several counties of this State are hereby recognized as legal subdivisions of the State.

Sec. 2. The construction of jails, court-houses and bridges, and the establishment of county poor-houses and farms, and the laying out, construction and repairing of county roads, shall be provided for by general laws.

Sec. 3. No county, city or other municipal corporation shall hereafter become a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in any wise loan its credit; but this shall not be construed to in any way affect any obligation heretofore undertaken pursuant to law.

Sec. 4. Cities and towns having a population of ten thousand inhabitants or less, may be chartered alone by general law. They may levy, assess and collect an annual tax to defray the current expenses of their local government, but such tax shall never exceed, for any one year, one-fourth of one per cent, and shall be collectible only in current money. And all license and occupation tax levied, and all fines, forfeitures, penalties and other dues accruing to cities and towns, shall be collectible only in current money.

Sec. 5. Cities having more than ten thousand inhabitants may have their charters granted or amended by special act of the Legislature, and may levy, assess and collect such taxes as may be authorized by law, but no tax for any purpose shall ever be lawful, for any one year, which shall exceed two and one-half per cent of the taxable property of such city; and no

debt shall ever be created by any city unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent thereon.

Sec. 6. Counties, cities and towns are authorized, in such mode as may now or may hereafter be provided by law, to levy, assess and collect the taxes necessary to pay the interest and provide a sinking fund to satisfy any indebtedness heretofore legally made and undertaken; but all such taxes shall be assessed and collected separately from that levied, assessed and collected for current expenses of municipal government, and shall, when levied, specify in the act of levying the purpose therefor, and such taxes may be paid in the coupons, bonds or other indebtedness for the payment of which such tax may have been levied.

Sec. 7. All counties and cities bordering on the coast of the Gulf of Mexico are hereby authorized, upon a vote of two-thirds of the taxpayers therein (to be ascertained as may be provided by law), to levy and collect such tax for construction of sea walls, breakwaters or sanitary purposes, as may be authorized by law, and may create a debt for such works and issue bonds in evidence thereof. But no debt for any purpose shall ever be incurred in any manner by any city or county unless provision is made, at the time of creating the same, for levying and collecting a sufficient tax to pay the interest thereon and provide at least two per cent as a sinking fund; and the condemnation of the right of way for the erection of such works shall be fully provided for.

Sec. 8. The counties and cities on the gulf coast being subject to calamitous overflows, and a very large proportion of the general revenue being derived from those otherwise prosperous localities, the Legislature is especially authorized to aid, by donation of such portion of the public domain as may be deemed proper, and in such mode as may be provided by law, the construction of sea walls, or breakwaters, such aid to be proportioned to the extent and value of the works constructed or to be constructed in any locality.

Sec. 9. The property of counties, cities and towns owned and held only for public purposes, such as public buildings and the sites therefor, fire engines and the furniture thereof, and all property used or intended for extinguishing fires, public grounds

and all other property devoted exclusively to the use and benefit of the public, shall be exempt from forced sale and from taxation: Provided, Nothing herein shall prevent the enforcement of the vendor's lien, the mechanic's or builder's lien, or other liens now existing.

Sec. 10. The Legislature may constitute any city or town a separate and independent school district. And when the citizens of any city or town have a charter, authorizing the city authorities to levy and collect a tax for the support and maintenance of a public institution of learning, such tax may hereafter be levied and collected, if, at an election held for that purpose, two-thirds of the taxpayers of such city or town shall vote for such tax.

## ARTICLE XII.

### *Private Corporations.*

Section 1. No private corporation shall be created except by general laws.

Sec. 2. General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and of the individual stockholders.

Sec. 3. The right to authorize and regulate freights, tolls, wharfage, or fares, levied and collected or proposed to be levied and collected by individuals, companies or corporations, for the use of highways, landings, wharves, bridges and ferries, devoted to public use, has never been and shall never be relinquished or abandoned by the State, but shall always be under legislative control and depend upon legislative authority.

Sec. 4. The first Legislature assembled after the adoption of this Constitution shall provide a mode of procedure by the Attorney-General and district or county attorneys, in the name and behalf of the State, to prevent and punish the demanding and receiving or collection of any and all charges, as freight, wharfage, fares or tolls, for the use of property devoted to the public, unless the same shall have been specially authorized by law.

Sec. 5. All laws granting the right to demand and collect freight, fares, tolls or wharfage, shall at all times be subject to amendment, modification, or repeal by the Legislature.

Sec. 6. No corporation shall issue stock or bonds except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void.

Sec. 7. Nothing in this article shall be construed to divest or affect rights guaranteed by any existing grant or statute, of this State, or of the Republic of Texas.

#### ARTICLE XIII.

##### *Spanish and Mexican Land Titles.*

Section 1. All fines, penalties, forfeitures and escheats, which have heretofore accrued to the Republic and the State of Texas, under their Constitutions and laws, shall accrue to the State under this Constitution; and the Legislature shall provide a method for determining what lands have been forfeited, and for giving effect to escheats; and all such rights of forfeiture and escheat to the State shall, ipso facto, enure to the protection of the innocent holders of junior titles, as provided in sections 2, 3 and 4, of this article.

Sec. 2. Any claim of title or right to land in Texas, issued prior to the thirteenth day of November, 1835, not duly recorded in the county where the land was situated at the time of such record; or not duly archived in the general land office; or not in the actual possession of the grantee thereof, or some person claiming under him, prior to the accruing of junior title thereto from the sovereignty of the soil, under circumstances reasonably calculated to give notice to said junior grantee, has never had, and shall not have standing or effect against such junior title, or color of title, acquired without such or actual notice of such prior claim of title or right; and no condition annexed to such grants, not archived, or recorded, or occupied as aforesaid, has been, or ever shall be released or waived, but actual performance of all such conditions shall be proved by the person or persons claiming under such title or claim of right in order to maintain action thereon, and the holder of such junior title, or color of title, shall have all the rights of the government which have heretofore existed, or now exist, arising from the non-performance of all such conditions.

Sec. 3. Non-payment of taxes on any claim of title to land dated prior to the 13th day of November, 1835, not recorded or archived, as provided in section 2, by the person or persons so claiming, or those under whom he or they so claim, from that date up to the date of the adoption of this Constitution, shall be held to be a presumption that the right thereto has reverted to the State, and that said claim is a stale demand, which pre-

sumption shall only be rebutted by payment of all taxes on said lands, State, county, and city or town, to be assessed on the fair value of such lands by the Comptroller, and paid to him, without commutation or deduction for any part of the above period.

Sec. 4. No claim of title or right to land, which issued prior to the 13th day of November, 1835, which has not been duly recorded in the county where the land was situated at the time of such record, or which has not been duly archived in the general land office, shall ever hereafter be deposited in the general land office, or recorded in this State, or delineated on the maps, or used as evidence in any of the courts of this State, and the same are stale claims; but this shall not affect such rights or presumptions as arise from actual possession. By the words, "duly recorded," as used in sections 2 and 4 of this article, it is meant that such claim of title or right to land shall have been recorded in the proper office, and that mere errors in the certificate of registration, or informality, not affecting the fairness and good faith of the holder thereof, with which the record was made, shall not be held to vitiate such record.

Sec. 5. All claims, locations, surveys, grants and titles of any kind, which are declared null and void by the Constitution of the Republic or State of Texas, are, and the same shall remain forever null and void.

Sec. 6. The Legislature shall pass stringent laws for the detection and conviction of all forgers of land titles, and may make such appropriations of money for that purpose as may be necessary.

Sec. 7. Sections 2, 3, 4 and 5 of this article, shall not be so construed as to set aside or repeal any law or laws of the Republic or State of Texas, releasing the claimants of head-rights of colonists of a league of land, or less, from compliance with the conditions on which their grants were made.

#### ARTICLE XIV.

##### *Public Lands and Land Offices.*

Section 1. There shall be one general land office in the State, which shall be at the seat of government, where all land titles which have emanated or may hereafter emanate from the State shall be registered, except those titles the registration of which may be prohibited by this Constitution. It shall be the duty of the Legislature at the earliest practicable time to make the

land office self-sustaining, and from time to time the Legislature may establish such subordinate offices as may be deemed necessary.

Sec. 2. All unsatisfied genuine land certificates barred by section 4, article 10, of the Constitution of 1869, by reason of the holders or owners thereof failing to have them surveyed and returned to the land office by the first day of January, 1875, are hereby revived. All unsatisfied genuine land certificates now in existence shall be surveyed and returned to the general land office within five years after the adoption of this Constitution, or be forever barred; and all genuine land certificates hereafter issued by the State shall be surveyed and returned to the general land office within five years after issuance, or be forever barred: Provided, That all genuine land certificates heretofore or hereafter issued shall be located, surveyed or patented only upon vacant and unappropriated public domain, and not upon any land titled or equitably owned under color of title from the sovereignty of the State, evidence of the appropriation of which is on the county records or in the general land office; or when the appropriation is evidenced by the occupation of the owner, or of some person holding for him.

Sec. 3. The Legislature shall have no power to grant any of the lands of this State to any railway company except upon the following restrictions and conditions:

First. That there shall never be granted to any such corporation more than sixteen sections to the mile, and no reservation of any part of the public domain for the purpose of satisfying such grant shall ever be made.

Second. That no land certificate shall be issued to such company until they have equipped, constructed and in running order at least ten miles of road, and on the failure of such company to comply with the terms of its charter, or to alienate its land at a period to be fixed by law, in no event to exceed twelve years from the issuance of the patent, all said land shall be forfeited to the State and become a portion of the public domain, and liable to location and survey. The Legislature shall pass general laws only, to give effect to the provisions of this section.

Sec. 4. No certificate for land shall be sold at the land office except to actual settlers upon the same, and in lots not to exceed one hundred and sixty acres.

Sec. 5. All lands heretofore or hereafter granted to railway companies, where the charter or law of the State required or shall hereafter require their alienation within a certain period, on pain of forfeiture, or is silent on the subject of forfeiture, and which lands have not been or shall not hereafter be alienated, in conformity with the terms of their charters and the laws under which the grants were made, are hereby declared forfeited to the State, and subject to pre-emption, location and survey, as other vacant lands. All lands heretofore granted to said railroad companies to which no forfeiture was attached, on their failure to alienate, are not included in the foregoing clause, but in all such last named cases it shall be the duty of the Attorney-General, in every instance, where alienations have been or hereafter may be made, to inquire into the same, and if such alienation has been made in fraud of the rights of the State, and is colorable only, the real and beneficial interest being still in such corporation, to institute legal proceedings in the county where the seat of government is situated, to forfeit such lands to the State, and if such alienation be judicially ascertained to be fraudulent and colorable as aforesaid, such lands shall be forfeited to the State and become a part of the vacant public domain, liable to pre-emption, location and survey.

Sec. 6. To every head of a family without a homestead there shall be donated one hundred and sixty acres of public land, upon condition that he will select and locate said land, and occupy the same three years, and pay the office fees due thereon. To all single men of eighteen years of age and upwards shall be donated eighty acres of public land, upon the terms and conditions prescribed for heads of families.

Sec. 7. The State of Texas hereby releases to the owner or owners of the soil all mines and minerals that may be on the same, subject to taxation as other property.

Sec. 8. Persons residing between the Nueces river and the Rio Grande, and owning grants for lands which emanated from the government of Spain, or that of Mexico, which grants have been recognized and validated by the State, by acts of the Legislature, approved February 10, 1852, August 15, 1870, and other acts, and who have been prevented from complying with the requirements of said acts by the unsettled condition of the country, shall be allowed until the first day of January, 1880, to complete their surveys and the plots thereof, and to return

Sec. 19. Farm products in the hands of the producer and family supplies for home and farm use, are exempt from all taxation until otherwise directed by a two-thirds vote of all the members elected to both Houses of the Legislature.

## ARTICLE IX.

### *Counties.*

Section 1. The Legislature shall have power to create counties for the convenience of the people, subject to the following provisions:

First. In the territory of the State exterior to all counties now existing, no new counties shall be created with a less area than nine hundred square miles, in a square form, unless prevented by pre-existing boundary lines. Should the State lines render this impracticable in border counties, the area may be less. The territory referred to may, at any time, in whole or in part, be divided into counties in advance of population, and attached, for judicial and land surveying purposes, to the most convenient organized county or counties.

Second. Within the territory of any county or counties now existing, no new county shall be created with a less area than seven hundred square miles, nor shall any such county now existing be reduced to a less area than seven hundred square miles. No new counties shall be created so as to approach nearer than twelve miles of the county seat of any county from which it may, in whole or in part, be taken. Counties of a less area than nine hundred, but of seven hundred or more square miles, within counties now existing, may be created by a two-thirds vote of each House of the Legislature, taken by yeas and nays, and entered on the journals. Any county now existing may be reduced to an area of not less than seven hundred square miles by a like two-thirds vote. When any part of a county is stricken off and attached to or created into another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it was taken, in such manner as may be prescribed by law.

Third. No part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as



may be provided by law, to a vote of the electors of both counties, and shall have received a majority of those voting on the question in each.

*County Seats.*

Sec. 2. The Legislature shall pass laws regulating the manner of removing county seats, but no county seat situated within five miles of the geographical center of the county shall be removed except by a vote of two-thirds of all the electors voting on the subject. A majority of such electors, however, voting at such election, may remove a county seat from a point more than five miles from the geographical center of the county to a point within five miles of such center, in either case the center to be determined by a certificate from the commissioner of the general land office.

ARTICLE X.

*Railroads.*

Section 1. Any railroad corporation or association, organized under the law for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination, under such regulations as shall be prescribed by law.

Sec. 2. Railroads heretofore constructed or which may hereafter be constructed in this State, are hereby declared public highways and railroad companies common carriers. The Legislature shall pass laws to regulate railroad freight and passenger tariffs, to correct abuses, and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce the same by adequate penalties; and to the further accomplishments of these objects and purposes may provide and establish all requisite means and agencies invested with such powers as may be deemed adequate and advisable.

Sec. 3. Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall

be made, and where shall be kept, for inspection by the stockholders of such corporations, books, in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfer of said stock, with the date of the transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and the president or superintendent shall report annually, under oath, to the Comptroller or Governor, their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. The Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

Sec. 4. The rolling stock and all other moveable property belonging to any railroad company or corporation in this State shall be considered personal property, and its real and personal property, or any part thereof, shall be liable to execution and sale in the same manner as the property of individuals; and the Legislature shall pass no laws exempting any such property from execution and sale.

Sec. 5. No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line.

Sec. 6. No railroad company organized under the laws of this State shall consolidate by private or judicial sale or otherwise with any railroad company organized under the laws of any other State or of the United States.

Sec. 7. No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town or village, or upon any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.

Sec. 8. No railroad corporation in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

Sec. 9. No railroad hereafter constructed in this State shall pass within a distance of three miles of any county seat without passing through the same, and establishing and maintaining a depot therein, unless prevented by natural obstacles, such as streams, hills or mountains: Provided, Such town or its citizens shall grant the right of way through its limits and sufficient ground for ordinary depot purposes.

#### ARTICLE XI.

##### *Municipal Corporations.*

Section 1. The several counties of this State are hereby recognized as legal subdivisions of the State.

Sec. 2. The construction of jails, court-houses and bridges, and the establishment of county poor-houses and farms, and the laying out, construction and repairing of county roads, shall be provided for by general laws.

Sec. 3. No county, city or other municipal corporation shall hereafter become a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in any wise loan its credit; but this shall not be construed to in any way affect any obligation heretofore undertaken pursuant to law.

Sec. 4. Cities and towns having a population of ten thousand inhabitants or less, may be chartered alone by general law. They may levy, assess and collect an annual tax to defray the current expenses of their local government, but such tax shall never exceed, for any one year, one-fourth of one per cent, and shall be collectible only in current money. And all license and occupation tax levied, and all fines, forfeitures, penalties and other dues accruing to cities and towns, shall be collectible only in current money.

Sec. 5. Cities having more than ten thousand inhabitants may have their charters granted or amended by special act of the Legislature, and may levy, assess and collect such taxes as may be authorized by law, but no tax for any purpose shall ever be lawful, for any one year, which shall exceed two and one-half per cent of the taxable property of such city; and no

debt shall ever be created by any city unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent thereon.

Sec. 6. Counties, cities and towns are authorized, in such mode as may now or may hereafter be provided by law, to levy, assess and collect the taxes necessary to pay the interest and provide a sinking fund to satisfy any indebtedness heretofore legally made and undertaken; but all such taxes shall be assessed and collected separately from that levied, assessed and collected for current expenses of municipal government, and shall, when levied, specify in the act of levying the purpose therefor, and such taxes may be paid in the coupons, bonds or other indebtedness for the payment of which such tax may have been levied.

Sec. 7. All counties and cities bordering on the coast of the Gulf of Mexico are hereby authorized, upon a vote of two-thirds of the taxpayers therein (to be ascertained as may be provided by law), to levy and collect such tax for construction of sea walls, breakwaters or sanitary purposes, as may be authorized by law, and may create a debt for such works and issue bonds in evidence thereof. But no debt for any purpose shall ever be incurred in any manner by any city or county unless provision is made, at the time of creating the same, for levying and collecting a sufficient tax to pay the interest thereon and provide at least two per cent as a sinking fund; and the condemnation of the right of way for the erection of such works shall be fully provided for.

Sec. 8. The counties and cities on the gulf coast being subject to calamitous overflows, and a very large proportion of the general revenue being derived from those otherwise prosperous localities, the Legislature is especially authorized to aid, by donation of such portion of the public domain as may be deemed proper, and in such mode as may be provided by law, the construction of sea walls, or breakwaters, such aid to be proportioned to the extent and value of the works constructed or to be constructed in any locality.

Sec. 9. The property of counties, cities and towns owned and held only for public purposes, such as public buildings and the sites therefor, fire engines and the furniture thereof, and all property used or intended for extinguishing fires, public grounds

and all other property devoted exclusively to the use and benefit of the public, shall be exempt from forced sale and from taxation: Provided, Nothing herein shall prevent the enforcement of the vendor's lien, the mechanic's or builder's lien, or other liens now existing.

Sec. 10. The Legislature may constitute any city or town a separate and independent school district. And when the citizens of any city or town have a charter, authorizing the city authorities to levy and collect a tax for the support and maintenance of a public institution of learning, such tax may hereafter be levied and collected, if, at an election held for that purpose, two-thirds of the taxpayers of such city or town shall vote for such tax.

## ARTICLE XII.

### *Private Corporations.*

Section 1. No private corporation shall be created except by general laws.

Sec. 2. General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and of the individual stockholders.

Sec. 3. The right to authorize and regulate freights, tolls, wharfage, or fares, levied and collected or proposed to be levied and collected by individuals, companies or corporations, for the use of highways, landings, wharves, bridges and ferries, devoted to public use, has never been and shall never be relinquished or abandoned by the State, but shall always be under legislative control and depend upon legislative authority.

Sec. 4. The first Legislature assembled after the adoption of this Constitution shall provide a mode of procedure by the Attorney-General and district or county attorneys, in the name and behalf of the State, to prevent and punish the demanding and receiving or collection of any and all charges, as freight, wharfage, fares or tolls, for the use of property devoted to the public, unless the same shall have been specially authorized by law.

Sec. 5. All laws granting the right to demand and collect freight, fares, tolls or wharfage, shall at all times be subject to amendment, modification, or repeal by the Legislature.

Sec. 6. No corporation shall issue stock or bonds except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void.

who holds at the same time any other office or position of honor, trust or profit, under this State or the United States, except as prescribed in this Constitution.

Sec. 34. The Legislature shall pass laws authorizing the Governor to lease or sell to the government of the United States a sufficient quantity of the public domain of the State necessary for the erection of forts, barracks, arsenals, and military stations or camps, and for other needful military purposes; and the action of the Governor therein shall be subject to the approval of the Legislature.

Sec. 35. The Legislature shall, at its first session, pass laws to protect laborers on public buildings, streets, roads, railroads, canals and other similar public works, against the failure of contractors and subcontractors to pay their current wages when due, and to make the corporation, company or individual for whose benefit the work is done, responsible for their ultimate payment.

Sec. 36. The Legislature shall, at its first session, provide for the payment or funding, as they may deem best, of the amounts found to be justly due to the teachers in the public schools by the State, for service rendered prior to the 1st day of July, 1873, and for the payment by the school districts in the State of amounts justly due teachers of public schools by such district to January, 1876.

Sec. 37. Mechanics, artisans and materialmen, of every class, shall have a lien upon the buildings and articles made or repaired by them, for the value of their labor done thereon, or material furnished therefor; and the Legislature shall provide by law for the speedy and efficient enforcement of said liens.

Sec. 38. The Legislature may, at such time as the public interest may require, provide for the office of commissioner of insurance, statistics and history, whose term of office, duties and salary shall be prescribed by law.

Sec. 39. The Legislature may, from time to time, make appropriations for preserving and perpetuating memorials of the history of Texas, by means of monuments, statues, printings, and documents of historical value.

Sec. 40. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of justice of the peace, county commissioner, notary public and postmaster, unless otherwise specially provided herein.

Sec. 41. Any person who shall, directly or indirectly offer, give or promise, any money or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer or member of the Legislature, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law. And any member of the Legislature, or executive or judicial officer, who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company corporation or person, any money, appointment, employment, testimonial, reward, thing of value or employment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same, or with any understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit, demand and receive any such money or other advantage, matter or thing aforesaid, for another, as the consideration of his vote or official influence, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery, within the meaning of the Constitution, and shall incur the disabilities provided for said offenses, with a forfeiture of the office they may hold, and such other additional punishment as is or shall be provided by law.

Sec. 42. The Legislature may establish an inebriate asylum, for the cure of drunkenness and reform of inebriates.

Sec. 43. No man or set or men shall ever be exempted, relieved or discharged, from the performance of any public duty or service imposed by general law, by any special law. Exemptions from the performance of such public duty or service shall only be made by general law.

Sec. 44. The Legislature shall prescribe the duties, and provide for the election, by the qualified voters of each county in this State, of a County Treasurer and a County Surveyor, who shall have an office at the county seat, and hold their office for two years, and until their successors are qualified; and shall have such compensation as may be provided by law.

Sec. 45. It shall be the duty of the Legislature to provide for collecting, arranging and safely keeping such records, rolls, correspondence, and other documents, civil and military, relating to the history of Texas, as may be now in the possession of parties willing to confide them to the care and preservation of the State.

Sec. 46. The Legislature shall provide by law for organizing and disciplining the militia of the State, in such manner as they shall deem expedient, not incompatible with the Constitution and the laws of the United States.

Sec. 47. Any person who conscientiously scruples to bear of this Constitution, it is declared that all process and writs of arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. 48. All laws and parts of laws now in force in the State of Texas, which are not repugnant to the Constitution of the United States or to this Constitution, shall continue and remain in force as the laws of this State, until they expire by their own limitation or shall be amended or repealed by the Legislature.

Sec. 49. The Legislature shall have power, and it shall be its duty, to protect by law from forced sale a certain portion of the personal property of all heads of families, and also of unmarried adults, male and female.

Sec. 50. The homestead of a family shall be, and is hereby protected from forced sale, for the payment of all debts except for the purchase-money thereof, or a part of such purchase-money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in this last case only when the work and material are contracted for in writing, with the consent of the wife given in the same manner as is required in making a sale and conveyance of the homestead; nor shall the owner, if a married man, sell the homestead without the consent of the wife, given in such manner as may be prescribed by law. No mortgage, trust deed or other lien on the homestead shall ever be valid, except for the purchase-money therefor, or improvements made thereon, as hereinbefore provided, whether such mortgage, or trust deed, or other lien, shall have been created by the husband alone or together with his wife; and all pretended sales of the homestead involving any condition of defeasance shall be void.

Sec. 51. The homestead not in a town or city shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town or village, shall consist of lot or lots, not to exceed in value five thousand dollars at the time of their designation as the homestead, without reference to the value of any improvements thereon: Provided, That the same shall be



used for the purposes of a home, or as a place to exercise the calling or business of the head of a family: Provided, also, That any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired.

Sec. 52. On the death of the husband or wife, or both, the homestead shall descend and vest in like manner as other real property of the deceased, and shall be governed by the same laws of descent and distribution, but it shall not be partitioned among the heirs of the deceased during the lifetime of the surviving husband or wife, or so long as the survivor may elect to use or occupy the same as a homestead, or so long as the guardian of the minor children of the deceased may be permitted, under the order of the proper court having the jurisdiction, to use and occupy the same.

Sec. 53. That no inconvenience may arise from the adoption all kinds which have been or may be issued and not returned or executed when this constitution is adopted, shall remain valid, and shall not be in any way affected by the adoption of this Constitution.

Sec. 54. It shall be the duty of the Legislature to provide for the custody and maintenance of indigent lunatics, at the expense of the State, under such regulations and restrictions as the Legislature may prescribe.

Sec. 55. The Legislature may provide annual pensions, not to exceed one hundred and fifty dollars per annum, to surviving soldiers or volunteers in the war between Texas and Mexico, from the commencement of the revolution in 1835, until the 1st of January, 1837; and also to the surviving signers of the declaration of independence of Texas; and to the surviving widows, continuing unmarried, of such soldiers and signers: Provided, That no such pension be granted except to those in indigent circumstances, proof of which shall be made before the county court of the county where the applicant resides, in such manner as may be provided by law.

Sec. 56. The Legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a bureau of immigration, or for any purpose of bringing immigrants to this State.

Sec. 57. Three millions acres of the public domain are hereby appropriated and set apart for the purpose of erecting a new

State capitol and other necessary public buildings at the seat of government, said lands to be sold under the direction of the Legislature; and the legislature shall pass suitable laws to carry this section into effect.

#### ARTICLE XVII.

##### *Mode of Amending the Constitution of this State.*

Section 1. The Legislature, at any biennial session, by a vote of two-thirds of all the members elected to each house, to be entered by yeas and nays on the journals, may propose amendments to the Constitution, to be voted upon by the qualified electors for members of the Legislature, which proposed amendments shall be duly published once a week for four weeks, commencing at least three months before an election, the time of which shall be specified by the Legislature, in one weekly newspaper of each county in which such a newspaper may be published; and it shall be the duty of the several returning officers of said election to open a poll for, and make returns to the Secretary of State of the number of legal votes cast at said election for and against said amendments; and if more than one be proposed, then the number of votes cast for and against each of them; and if it shall appear from said return that a majority of the votes cast have been cast in favor of any amendment the said amendment so receiving a majority of the votes cast shall become a part of this Constitution, and proclamation shall be made by the Governor thereof.

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CONSTITUTION  
OF THE  
STATE OF VERMONT.

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# CONSTITUTION OF THE STATE OF VERMONT.

## CHAPTER 1.

A declaration of the rights of the inhabitants of the State of Vermont.

### Article

1. All men born free; their natural rights; slavery prohibited.
2. Private property subject to public use; owner to be paid.
3. Freedom in religion; right and duty of religious worship.
4. Remedy at law secured to all.
5. People by the Legislature, to regulate internal police.
6. Officers servants of the people.
7. Government for the people; they may change it.
8. Elections to be free and pure; rights of freemen therein.
9. Citizen's rights and duties in the State. — Bearing arms. — Taxation.
10. Rights of persons accused of crime. Personal liberty.
11. Search and seizure regulated.
12. Trial by jury to be held sacred.
13. Freedom of speech and of the press.
14. Immunity for words spoken in legislative debate.
15. Legislature only may suspend laws.
16. Right to bear arms; standing armies; military power subordinate to civil.
17. Martial law restricted.
18. Regard to fundamental principles and virtues, necessary to preserve liberty.
19. Right to emigrate.
20. Right to assemble, instruct and petition.
21. No transportation for trial.

## CHAPTER 2.

Plan or frame of government.

### Section

1. Superseded.

### Section

2. Superseded.
3. Superseded.
4. Courts of justice in each county; judges.
5. Courts of chancery may be erected.
6. Legislative, executive and judiciary departments to be distinct.
7. Town representation.
8. Election of representatives.
9. Powers of the Legislature.
10. Election of Governor, Lieutenant-Governor and Treasurer.
11. Governor and executive power.
12. Representative's oaths.
13. Doors of general assembly to be open.
14. Journals, with yeas and nays to be printed.
15. Style of laws.
16. Superseded.
17. Only money appropriated by act of legislation to be drawn from treasury.
18. Residence of representatives.
19. Representatives not to act as counsel or take fee for advocating bill.
20. Legislature not to declare any guilty of treason or felony.
21. Freeman's qualifications and oath.
22. Inhabitants to be armed and trained.—Officers of militia.
23. Form of commissions; State seal.
24. Impeachments; all officers liable to; no bar to prosecution at law.
25. Officers of profit forbidden.—Officers to have reasonable compensation. — Fees to be lessened. — Receiving illegal fees.
26. Incompatible offices. — Federal officers ineligible.

## Section

27. Superseded.
28. Treasurer's accounts to be audited.
29. Oaths of allegiance and office.—Every officer to take and subscribe them.
30. Eligibility of Governor and Lieutenant-Governor.
31. Trials of proper issues to be by jury.
32. Form of prosecutions and indictments.—Fines.
33. Imprisonment for debt restricted.—Prisoners bailable.—No excessive bail.
34. Elections to be free and voluntary; punishment for corruption.
35. Deeds to be recorded.
36. Entails to be regulated.
37. Punishment for crimes not capital to be hard labor.
38. Suicide's estate not to be forfeited.—No deodand.
39. Citizenship, how obtained.
40. Liberty to hunt, fowl and fish.
41. Laws to encourage virtue and prevent vice to be kept in force.—Schools to be maintained and religious societies encouraged.
42. Declaration of rights not to be violated.
43. Abrogated.

## ARTICLES OF AMENDMENT.

## Article

1. Foreigners to be naturalized before becoming freemen.
2. House of Representatives.
3. General assembly; like powers of Senate and House in legislation.—Revenue bills.—Adjournment.
4. Superseded.
5. Election of Senators; duties of several officers therein.—Legislature may regulate the election.
6. Powers of the Senate.—Lieutenant-Governor to be present and have casting vote.

## Article

7. Senate to try impeachments.—Extent of judgment.
8. Governor supreme executive, his powers.—May appoint secretary of civil and military affairs.
9. General assembly to canvass votes for Governor, Lieutenant-Governor and Treasurer; and to elect these officers if the freemen do not.
10. General assembly to elect Secretary of State and certain other officers.
11. Bills to be sent to the Governor; to be signed by him if approved.—Veto and proceedings thereon.—Bills not returned.
12. Writs of habeas corpus not to be suspended.
13. Effects of certain amendments to the Constitution.
14. Freemen to elect assistant judges of the County Court.
15. Freemen to elect sheriffs and high bailiffs.
16. Freemen to elect State's attorneys.
17. Freemen to elect judges of probate.
18. Freemen to elect justices of the peace.—Number of justices in each town.
19. Officers named in five preceding sections to be elected by ballot.
20. Election of assistant judges of the County Court, sheriffs, high bailiffs, State's attorneys, judges of probate, and justices of the peace; the Governor to commission them.
21. Legislature to provide for vacancy in offices of Governor, and Lieutenant-Governor.—Governor may appoint a treasurer to fill a vacancy.
22. Securities to be given by treasurer, sheriffs and high bailiffs.
23. Senators; their number, qualifications and apportionment.

Article.

24. Sec. 1. Biennial sessions.—Sec. 2. Biennial elections.—Sec. 3. Term of office of the Governor, Lieutenant-Governor and Treasurer.—Sec. 4. Term of office of Senators and Representatives.—Sec. 5. Term of office of county officers.

25. Sec. 1 Mode of amending Constitution.—Sec. 2. General assembly may direct manner of vot-

Article.

ing on amendments.—Sec. 3. House of Representatives may order impeachments.—Sec. 4. Council of censors abolished.

26. Term of office of judges of the Supreme Court.

27. Additional oath to representatives.—Construction of words in oath.

28. Election of Secretary of State and auditor of accounts.

Chapter 1.

ARTICLE I.

*A Declaration of the Rights of the Inhabitants of the State of Vermont.*

That all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety. Therefore, no male person born in this country, or brought from over the sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after he arrived to the age of twenty-one years, nor female in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.

ARTICLE II.

That private property ought to be subservient to public uses when necessity requires it; nevertheless, whenever any person's property is taken for the use of the public, the owner ought to receive an equivalent in money.

ARTICLE III.

That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understandings, as in their opinion shall be regulated by the word of God; and that no man ought to, or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister contrary to the dictates of his conscience, nor can any man be justly deprived or

abridged of any civil right as a citizen on account of his religious sentiments or peculiar mode of religious worship; and that no authority can or ought to be vested in, or assumed by, any power whatever, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship. Nevertheless, every sect or denomination of Christians ought to observe the Sabbath or Lord's day, and keep up some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.

#### ARTICLE IV.

Every person within this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain right and justice, freely and without being obliged to purchase it, completely and without any denial, promptly and without delay, conformably to the laws.

#### ARTICLE V.

That the people of this State, by their legal representatives, have the sole, inherent and exclusive right of governing and regulating the internal police of the same.

#### ARTICLE VI.

That all power, being originally inherent in and consequently derived from the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times, in a legal way, accountable to them.

#### ARTICLE VII.

That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community, and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community; and that the community hath an indubitable, unalienable and indefeasible right to reform or alter government in such manner as shall be, by that community, judged most conducive to the public weal.

#### ARTICLE VIII.

That all elections ought to be free and without corruption, and that all freemen, having a sufficient, evident, common interest



with, and attachment to the community, have a right to elect officers, and be elected into office, agreeably to the regulations made in this Constitution.

#### ARTICLE IX.

That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto, but no part of any person's property can be justly taken from him, or applied to public uses without his own consent, or that of the representative body of the freemen, nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto if he will pay such equivalent; nor are the people bound by any law but such as they have in like manner assented to, for their common good; and previous to any law being made to raise a tax, the purpose for which it is to be raised ought to appear evident to the Legislature to be of more service to community than the money would be if not collected.

#### ARTICLE X.

That in all prosecutions for criminal offenses, a person hath a right to be heard by himself and his counsel; to demand the cause and nature of his accusation; to be confronted with the witnesses; to call for evidence in his favor, and a speedy public trial by an impartial jury of the country; without the unanimous consent of which jury, he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any person be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

#### ARTICLE XI.

That the people have a right to hold themselves, their houses, papers and possessions, free from search or seizure; and therefore warrants, without oath or affirmation first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his, her or their property, not particularly described, are contrary to that right, and ought not to be granted.

## ARTICLE XII.

That when any issue in fact, proper for the cognizance of a jury is joined in a court of law, the parties have a right to trial by jury, which ought to be held sacred.

## ARTICLE XIII.

That the people have a right to freedom of speech, and of writing and publishing their sentiments concerning the transactions of government, and therefore the freedom of the press ought not to be restrained.

## ARTICLE XIV.

The freedom of deliberation, speech and debate in the Legislature is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

## ARTICLE XV.

The power of suspending laws, or the execution of laws, ought never to be exercised but by the Legislature, or by authority derived from it, to be exercised in such particular cases, as this Constitution or the Legislature shall provide for.

## ARTICLE XVI.

That the people have a right to bear arms for the defense of themselves and the State—and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to and governed by the civil power.

## ARTICLE XVII.

That no person in this State can in any case be subjected to law martial, or to any penalties or pains by virtue of that law, except those employed in the army, and the militia in actual service.

## ARTICLE XVIII.

That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality are absolutely necessary to preserve the blessings of liberty, and keep government free; the people ought therefore, to pay particular attention to these points, in the choice of officers

and representatives, and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in making and executing such laws as are necessary for the good government of the State.

ARTICLE XIX.

That all people have a natural and inherent right to emigrate from one State to another that will receive them.

ARTICLE XX.

That the people have a right to assemble together to consult for their common good — to instruct their representatives — and to apply to the Legislature for redress of grievances, by address, petition or remonstrance.

ARTICLE XXI.

That no person shall be liable to be transported out of this State for trial for any offense committed within the same.

Chapter II.

*Plan or Frame of Government.*

Section 1. The Commonwealth or State of Vermont shall be governed hereafter by a Governor (or Lieutenant-Governor), Council, and an Assembly of the Representatives of the freemen of the same, in manner and form following:

Sec. 2. The supreme legislative power shall be vested in a House of Representatives of the freemen of the Commonwealth or State of Vermont.

Sec. 3. The supreme executive power shall be vested in a Governor, or, in his absence, a Lieutenant-Governor, and Council.

Sec. 4. Courts of justice shall be maintained in every county in this State, and also in new counties when formed; which courts shall be open for the trial of all causes proper for their cognizance; and justice shall be therein impartially administered without corruption or unnecessary delay. The judges of the Supreme Court shall be justices of the peace throughout the State; and the several judges of the County Courts, in their respective counties, by virtue of their office, except in the trial of such causes as may be appealed to the County Court.

Sec. 5. A future Legislature may, when they shall conceive the same to be expedient and necessary, erect a Court of Chan-

cery, with such powers as are usually exercised by that court, or as shall appear for the interest of the Commonwealth: Provided, they do not constitute themselves the judges of the said court.

Sec. 6. The legislative, executive and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

Sec. 7. In order that the freemen of this State might enjoy the benefit of election as equally as may be, each town within this State that consists or may consist of eighty taxable inhabitants within one septenary or seven years next after the establishing this Constitution, may hold elections therein, and choose each two Representatives; and each other inhabited town in this State may, in like manner, choose each one Representative to represent them in General Assembly during the said septenary or seven years, and after that, each inhabited town may, in like manner, hold such elections and choose each one Representative forever thereafter.

Sec. 8. The House of Representatives of the freemen of this State shall consist of persons most noted for wisdom and virtue, to be chosen by ballot by the freemen of every town in this State, respectively, on the first Tuesday of September annually, forever.

Sec. 9. The Representatives so chosen (a majority of whom shall constitute a quorum for transacting any other business than raising a State tax, for which two-thirds of the members elected shall be present) shall meet on the second Thursday of the succeeding October, and shall be styled the General Assembly of the State of Vermont; that shall have power to choose their Speaker, Secretary of State, their clerk, and other necessary officers of the House — sit on their own adjournments — prepare bills and enact them into laws — judge of the elections and qualifications of their own members; they may expel members, but not for causes known to their constituents antecedent to their election; they may administer oaths and affirmations in matters depending before them — redress grievances — impeach State criminals — grant charters of incorporation — constitute towns, boroughs, cities and counties; they may annually, on their first session after their election, in conjunction with the Council (or oftener if need be), elect judges of the Supreme and several County and Probate Courts, sheriffs and justices of the peace; and also, with the Council, may elect major-generals and brigadier-generals,

from time to time, as often as there shall be occasion; and they shall have all other powers necessary for the Legislature of a free and sovereign State; but they shall have no power to add to, alter, abolish or infringe any part of this Constitution.

Sec. 10. The Supreme Executive Council of this State shall consist of a Governor, Lieutenant-Governor, and twelve persons chosen in the following manner, viz.: The freemen of each town shall, on the day of election for choosing Representatives to attend the General Assembly, bring in their votes for Governor, with his name fairly written, to the constable, who shall seal them up, and write on them, "Votes for the Governor," and deliver them to the Representative chosen to attend the General Assembly; and at the opening of the General Assembly, there shall be a committee appointed out of the Council and Assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort and count the votes for the Governor, and declare the person who has the major part of the votes, to be Governor for the year ensuing. And if there be no choice made, then the Council and General Assembly, by their joint ballot, shall make choice of a Governor. The Lieutenant-Governor and Treasurer shall be chosen in the manner above directed. And each freeman shall give in twelve votes for twelve Counsellors, in the same manner, and the twelve highest in nomination shall serve for the ensuing year as Counsellors.

Sec. 11. The Governor, and in his absence, the Lieutenant-Governor, with the Council (a major part of whom, including the Governor, or Lieutenant-Governor, shall be a quorum to transact business), shall have power to commission all officers — and also to appoint officers, except where provision is, or shall be otherwise made, by law or <sup>of</sup> this frame of government — and shall supply every vacancy in any office, occasioned by death or otherwise, until the office can be filled in the manner directed by law or this Constitution. They are to correspond with other States — transact business with officers of government civil and military — and to prepare such business as may appear to them necessary, to lay before the General Assembly. They shall sit as judges to hear and determine on impeachments, taking to their assistance, for advice only, the judges of the Supreme Court. And shall have power to grant pardons and remit fines, in all cases whatsoever except in treason and murder; in which they shall have power

to grant reprieves, but not to pardon, until after the end of the next session of Assembly; and except in cases of impeachment, in which there shall be no remission, or mitigation of punishment, but by act of legislation. They are also to take care that the laws be faithfully executed. They are to expedite the execution of such measures as may be resolved upon by the General Assembly. And they may draw upon the treasury for such sums as may be appropriated by the House of Representatives. They may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the House only. They may grant such licenses as shall be directed by law; and shall have power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned. The Governor shall be captain-general and commander-in-chief of the forces of the State, but shall not command in person, except advised thereto by the Council, and then only so long as they shall approve thereof. And the Lieutenant-Governor shall, by virtue of his office, be lieutenant-general of all the forces of the State. The Governor, or Lieutenant-Governor, and the Council, shall meet at the time and place with the General Assembly; the Lieutenant-Governor shall, during the presence of the commander-in-chief, vote and act as one of the Council; and the Governor, and, in his absence, the Lieutenant-Governor, shall, by virtue of their offices, preside in Council, and have a casting but no other vote. Every member of the Council shall be a justice of the peace for the whole State, by virtue of his office. The Governor and Council shall have a secretary, and keep fair books of their proceedings, wherein any Counsellor may enter his dissent, with his reasons to support it; and the Governor may appoint a secretary for himself and his Council.

Sec. 12. The Representatives having met, and chosen their Speaker and clerk, shall each of them, before they proceed to business, take and subscribe, as well the oath or affirmation of allegiance hereinafter directed (except where they shall produce certificates of their having heretofore taken and subscribed the same) as the following oath or affirmation, viz.:

" You, ———, do solemnly swear (or affirm) that as a member of this Assembly, you will not propose or assent to any bill, vote or resolution, which shall appear to you injurious to the people, nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as

declared by the Constitution of this State; but will, in all things, conduct yourself as a faithful, honest Representative and guardian of the people, according to the best of your judgment and abilities. (In case of an oath) so help you God. (And in case of an affirmation) under the pains and penalties of perjury."

Sec. 13. The doors of the house in which the General Assembly of this Commonwealth shall sit, shall be open for the admission of all persons who behave decently, except only when the welfare of the State may require them to be shut.

Sec. 14. The votes and proceedings of the General Assembly shall be printed (when one-third of the members think it necessary) as soon as convenient after the end of each session, with the yeas and nays on any question, when required by any member (except where the votes shall be taken by ballot), in which case every member shall have a right to insert the reasons of his vote upon the minutes.

Sec. 15. The style of the laws of this State in future to be passed, shall be, "It is hereby enacted by the General Assembly of the State of Vermont."

Sec. 16. To the end that the laws, before they are enacted, may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all bills which originate in the Assembly shall be laid before the Governor and Council for their revision and concurrence or proposals of amendment, who shall return the same to the Assembly, with their proposals of amendment, if any, in writing; and if the same are not agreed to by the Assembly, it shall be in the power of the Governor and Council to suspend the passing of such bills until the next session of the Legislature: Provided, that if the Governor and Council shall neglect or refuse to return any such bill to the Assembly, with written proposals of amendment, within five days, or before the rising of the Legislature, the same shall become a law.

Sec. 17. No money shall be drawn out of the treasury, unless first appropriated by the act of legislation.

Sec. 18. No person shall be elected a Representative until he has resided two years in this State; the last of which shall be in the town for which he is elected.

Sec. 19. No member of the Council, or House of Representatives, shall, directly or indirectly, receive any fee or reward, to

bring forward or advocate any bill, petition or other business to be transacted in the Legislature, or advocate any cause, as counsel in either house of legislation, except when employed in behalf of the State.

Sec. 20. No person ought in any case, or in any time, to be declared guilty of treason or felony, by the Legislature.

Sec. 21. Every man of the full age of twenty-one years, having resided in this State for the space of one whole year next before the election of Representatives, and is of a quiet and peaceable behavior, and will take the following oath or affirmation shall be entitled to all the privileges of a freeman of this State:

"You solemnly swear (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the Constitution, without fear or favor of any man."

Sec. 22. The inhabitants of this State shall be trained and armed for its defense, under such regulations, restrictions and exceptions, as Congress, agreeably to the Constitution of the United States, and the Legislature of this State, shall direct. The several companies of militia shall, as often as vacancies happen, elect their captain and other officers, and the captains and subalterns shall nominate and recommend the field officers of their respective regiments, who shall appoint their staff officers.

Sec. 23. All commissions shall be in the name of the freemen of the State of Vermont, sealed with the State seal, signed by the Governor, and, in his absence the Lieutenant-Governor, and attested by the Secretary; which seal shall be kept by the Governor.

Sec. 24. Every officer of State, whether judicial or executive, shall be liable to be impeached by the General Assembly, either when in office, or after his resignation or removal for maladministration. All impeachments shall be before the Governor, or Lieutenant-Governor, and Council, who shall hear and determine the same, and may award costs; and no trial or impeachment shall be a bar to a prosecution at law.

Sec. 25. As every freeman, to preserve his independence (if without a sufficient estate) ought to have some profession, calling, trade or farm, whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of profit, the



usual effects of which are dependence and servility, unbecoming freemen, in the possessors or expectants, and faction, contention and discord among the people. But if any man is called into public service to the prejudice of his private affairs, he has a right to a reasonable compensation; and whenever an office, through increase of fees or otherwise, become so profitable as to occasion many to apply for it, the profit ought to be lessened by the Legislature. And if any officer shall wittingly and willfully take greater fees than the law allows him, it shall ever after disqualify him from holding any office in this State, until he shall be restored by act of legislation.

Sec. 26. No person in this State shall be capable of holding or exercising more than one of the following offices at the same time, viz.: Governor, Lieutenant-Governor, judge of the Supreme Court, Treasurer of the State, member of the Council, member of the General Assembly, Surveyor-General or sheriff. Nor shall any person holding any office of profit or trust under the authority of Congress be eligible to any appointment in the Legislature, or of holding any executive or judiciary office under this State.

Sec. 27. The Treasurer of the State shall, before the Governor and Council, give sufficient security to the Secretary of the State in behalf of the General Assembly; and each high-sheriff, before the first judge of the County Court, to the treasurer of their respective counties, previous to their respectively entering upon the execution of their offices, in such manner and in such sums as shall be directed by the Legislature.

Sec. 28. The Treasurer's accounts shall be annually audited and a fair statement thereof laid before the General Assembly at their session in October.

Sec. 29. Every officer, whether judicial, executive or military, in authority under this State, before he enters upon the execution of his office, shall take and subscribe the following oath or affirmation of allegiance to this State (unless he shall produce evidence that he has before taken the same), and also the following oath or affirmation of office, except military officers, and such as shall be exempted by the Legislature.

*The Oath or Affirmation of Allegiance.*

"You do solemnly swear (or affirm) that you will be true and faithful to the State of Vermont, and that you will not, directly or indirectly, do any act or thing injurious to the Constitution or

government thereof, as established by convention. (If an oath) so help you God. (If an affirmation) under the pains and penalties of perjury."

*The Oath or Affirmation of Office.*

"You, ———, do solemnly swear (or affirm) that you will faithfully execute the office of ——— for the ——— of ———; and will therein do equal right and justice to all men, to the best of your judgment and abilities, according to law. (If an oath) so help you God. (If an affirmation) under the pains and penalties of perjury."

Sec. 30. No person shall be eligible to the office of Governor or Lieutenant-Governor until he shall have resided in this State four years next preceding the day of his election.

Sec. 31. Trials of issues, proper for the cognizance of a jury, in the Supreme and County Courts, shall be by jury, except where parties otherwise agree; and great care ought to be taken to prevent corruption or partiality in the choice and return or appointment of juries.

Sec. 32. All prosecution shall commence, "By the authority of the State of Vermont." All indictments shall conclude with these words: "Against the peace and dignity of the State." And all fines shall be proportioned to the offenses.

Sec. 33. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up and assigning over bona fide, all his estate, real and personal, in possession, reversion or remainder, for the use of his creditors, in such manner as shall be hereafter regulated by law. And all prisoners, unless in execution, or committed for capital offenses, when the proof is evident or presumption great, shall be bailable by sufficient sureties; nor shall excessive bail be exacted for bailable offenses.

Sec. 34. All elections, whether by the people or the Legislature, shall be free and voluntary; and any elector who shall receive any gift or reward for his vote, in meat, drink, moneys or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the law shall direct; and any person who shall directly or indirectly, give, promise or bestow, any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as a future Legislature shall direct.

Sec. 35. All deeds and conveyances of land shall be recorded in the town clerk's office in their respective towns, and, for want thereof, in the county clerk's office of the same county.

Sec. 36. The Legislature shall regulate entails in such manner as to prevent perpetuities.

Sec. 37. To deter more effectually from the commission of crimes, by continued visible punishments of long duration, and to make sanguinary punishments less necessary, means ought to be provided for punishing by hard labor, those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for the reparation of injuries done to private persons; and all persons at proper times ought to be permitted to see them at their labor.

Sec. 38. The estates of such persons as may destroy their own lives, shall not, for that offense be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

Sec. 39. Every person of good character who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other means acquire, hold or transfer land, or other real estate; and after one year's residence shall be deemed a free denizen thereof, and entitled to all rights of a natural born subject of this State, except that he shall not be capable of being elected Governor, Lieutenant-Governor, Treasurer, Councillor or Representative in Assembly, until after two years' residence.

Sec. 40. The inhabitants of this State shall have liberty in seasonable times, to hunt and fowl on the lands they hold, and on other lands not inclosed; and in like manner to fish in all boatable and other waters (not private property) under proper regulations, to be hereafter made and provided by the General Assembly.

Sec. 41. Laws for the encouragement of virtue and prevention of vice and immorality ought to be constantly kept in force and duly executed; and a competent number of schools ought to be maintained in each town for the convenient instruction of youth; and one or more grammar schools be incorporated and properly

supported in each county in this State. And all religious societies or bodies of men that may be hereafter united or incorporated for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities and estates, which they in justice ought to enjoy, under such regulations as the General Assembly of this State shall direct.

Sec. 42. The declaration of the political rights and privileges of the inhabitants of this State, is hereby declared to be a part of the Constitution of this Commonwealth; and ought not to be violated on any pretense whatsoever.

Sec. 43. In order that the freedom of this Commonwealth may be preserved inviolate forever, there shall be chosen, by ballot, by the freemen of this State, on the last Wednesday in March, in the year one thousand seven hundred and seventy-nine, and on the last Wednesday in March in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the Council is chosen, except that they shall not be out of the Council or General Assembly, to be called the Council of Censors, who shall meet together on the first Wednesday of June next ensuing their election, the majority of whom shall be a quorum in every case, except as to calling a convention, in which two-thirds of the whole number elected shall agree; and whose duty it shall be to inquire, whether the Constitution has been preserved inviolate in every part, during the last septenary (including the year of their service); and whether the legislative and executive branches of government have performed their duty as guardians of the people, or assumed to themselves or exercised other or greater powers than they are entitled to by the Constitution. They are also to inquire whether the public taxes have been justly laid and collected in all parts of this Commonwealth—in what manner the public moneys have been disposed of—and whether the laws have been duly executed. For these purposes they shall have power to send for persons, papers and records—they shall have authority to pass public censures, to order impeachments, and to recommend to the Legislature the repealing such laws as shall appear to them to have been passed contrary to the principles of the Constitution. These powers they shall continue to have for and during the space of one year from the day of their election, and no longer. The said Council of

Censors shall also have power to call a convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this Constitution, which may be defective — explaining such as may be thought not clearly expressed — and of adding such as are necessary for the preservation of the rights and happiness of the people; but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

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### **Articles of Amendment.**

#### **ARTICLE I.**

No person who is not already a freeman of this State shall be entitled to exercise the privileges of a freeman unless he be a natural born citizen of this or some one of the United States, or until he shall have been naturalized agreeably to the acts of Congress.

#### **ARTICLE II.**

The most numerous branch of the Legislature of this State shall hereafter be styled the House of Representatives.

#### **ARTICLE III.**

The supreme legislative power of this State shall hereafter be exercised by a Senate and the House of Representatives, which shall be styled "The General Assembly of the State of Vermont." Each shall have and exercise the like powers in all acts of legislation; and no bill, resolution or other thing, which shall have been passed by the one, shall have the effect of, or be declared to be, a law without the concurrence of the other: Provided, that all revenue bills shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills. Neither house during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that, in which the two houses shall be sitting, and in case of disagreement between the two houses, with respect to adjournment, the Governor may adjourn them to such time as he shall think proper.

## ARTICLE IV.

The Senate shall be composed of thirty Senators, to be of the freemen of the county for which they are elected, respectively, who are thirty years of age or upwards, and to be annually elected by the freemen of each county respectively. Each county shall be entitled to one Senator at least, and the remainder of the Senators shall be apportioned to the several counties according to their population, as the same was ascertained by the last census, taken under the authority of the United States, regard being always had, in such apportionment to the counties having the greatest fraction. But the several counties shall, until after the next census of the United States, be entitled to elect, and have their Senators, in the following proportion, to wit:

Bennington county, two; Windham county, three; Rutland county, three; Windsor county, four; Addison county, three; Orange county, three; Washington county, two; Chittenden county, two; Caledonia county, two; Franklin county, three; Orleans county, one; Essex county, one; Grand Isle county, one.

The Legislature shall make a new apportionment of the Senators, to the several counties, after the taking of each census of the United States, or census taken for the purpose of such apportionment, by order of the government of this State—always regarding the above provisions in this article.

## ARTICLE V.

The freemen of the several towns in each county shall annually give their votes for the Senators apportioned to such county, at the same time, and under the same regulations, as are now provided for the election of Councillors. And the person or persons, equal in number to the number of Senators apportioned to such county, having the greatest number of legal votes, in such county respectively, shall be the Senator or Senators, of such county. At every election of Senators, after the votes shall have been taken, the constable or presiding officer, assisted by the selectmen and civil authority present, shall sort and count the said votes, and make two lists of the names of each person, with the number of votes given for each annexed to his name, a record of which shall be made in the town clerk's office, and shall seal up his said lists, separately, and write on each the name of the town, and these words, "Votes for Senator," or "Votes for Sen-

ators," as the case may be, one of which lists shall be delivered by the presiding officer, to the Representative of said town (if any), and if none be chosen, to the Representative of an adjoining town, to be transmitted to the President of the Senate; the other list, the said presiding officer shall, within ten days, deliver to the clerk of the County Court, for the same county; and the clerk of each County Court, respectively, or in case of his absence or disability, to the Sheriff of such county, or in case of the absence or disability of both, to the high bailiff of such county, on the tenth day after such election, shall publicly open, sort and count said votes, and make a record of the same in the office of the clerk of such County Court, a copy of which he shall transmit to the Senate—and shall also within ten days thereafter transmit to the person or persons elected, a certificate of his or their election: Provided, however, that the General Assembly shall have power to regulate by law the mode of balloting for Senators, within the several counties, and to prescribe the means, and the manner by which the result of the balloting shall be ascertained and through which the Senators chosen shall be certified of their election, and for filling all vacancies in the Senate, which shall happen by death, resignation or otherwise. But they shall not have power to apportion the Senators to the several counties otherwise than according to the population thereof agreeably to the provisions hereinbefore ordained.

#### ARTICLE VI.

The Senate shall have the like powers to decide on the election and qualifications of, and to expel any of its members, make its own rules and appoint its own officers, as are incident to or are possessed by, the House of Representatives. A majority shall constitute a quorum. The Lieutenant-Governor shall be President of the Senate; except when he shall exercise the office of Governor, or when his office shall be vacant, or in his absence, in which cases the Senate shall appoint one of its own members to be President of the Senate pro tempore. And the President of the Senate shall have a casting vote, but no other.

#### ARTICLE VII.

The Senate shall have the sole power of trying and deciding upon all impeachments—when sitting for that purpose, they shall be on oath, or affirmation, and no person shall be convicted,

without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend farther than to removal from office and disqualification to hold or enjoy any office of honor, or profit, or trust, under this State. But the party convicted shall, nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

#### ARTICLE VIII.

The supreme executive power of the Senate shall be exercised by the Governor, or, in case of his absence or disability, by the Lieutenant-Governor; who shall have all the powers and perform all the duties vested in and enjoined upon the Governor and Council by the eleventh and twenty-seventh sections of the second chapter of the Constitution, as at present established, excepting that he shall not sit as a judge in case of impeachment, nor grant reprieve or pardon in any such case; nor shall he command the forces of the State in person in time of war or insurrection, unless by the advice and consent of the Senate, and no longer than they shall approve thereof. The Governor may have a secretary of civil and military affairs, to be by him appointed during pleasure, whose services he may at all times command, and for whose compensation provision shall be made by law.

#### ARTICLE IX.

The votes of Governor, Lieutenant-Governor and Treasurer of the State shall be sorted and counted, and the result declared, by a committee appointed by the Senate and House of Representatives. If at any time there shall be no election by the freemen of Governor, Lieutenant-Governor and Treasurer of the State, the Senate and House of Representatives shall, by a joint ballot, elect to fill the office, not filled by the freemen as aforesaid, one of the three candidates for such office (if there be so many) for whom the greatest number of votes shall have been returned.

#### ARTICLE X.

The Secretary of State, and all officers whose elections are not otherwise provided for, and who, under the existing provisions of the Constitution, are elected by the Council and House of Representatives, shall hereafter be elected by the Senate and House of Representatives in joint assembly, at which the pre-



siding officer of the Senate shall preside; and such presiding officer in such joint assembly shall have a casting vote, and no other.

#### ARTICLE XI.

Every bill which shall have passed the Senate and House of Representatives shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; if not, he shall return it with his objections in writing to the house in which it shall have originated, which shall proceed to reconsider it. If, upon such reconsideration, a majority of the house shall pass the bill, it shall, together with the objections, be sent to the other house, by which it shall likewise be reconsidered, and, if approved by a majority of that house, it shall become a law. But, in all such cases the votes of both houses shall be taken by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the Governor, as aforesaid, within five days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the two houses, by their adjournment within three days after the presentment of such bill, shall prevent its return; in which case it shall not become a law.

#### ARTICLE XII.

The writ of habeas corpus shall in no case be suspended. It shall be a writ issuable of right, and the General Assembly shall make provision to render it a speedy and effectual remedy in all cases proper therefor.

#### ARTICLE XIII.

Such parts and provisions only of the Constitution of this State, established by convention on the ninth day of July, one thousand seven hundred and ninety-three, as are altered or superseded by any of the foregoing amendments or are repugnant thereto shall hereafter cease to have effect.

#### ARTICLE XIV.

The assistant judges of the County Court shall be elected by the freemen of their respective counties.

## ARTICLE XV.

Sheriffs and high bailiffs shall be elected by the freemen of their respective counties.

## ARTICLE XVI.

State's attorneys shall be elected by the freemen of their respective counties.

## ARTICLE XVII.

Judges of probate shall be elected by the freemen of their respective probate districts.

## ARTICLE XVIII.

Justices of the peace shall be elected by the freemen of their respective towns; and towns having less than one thousand inhabitants may elect any number of justices of the peace not exceeding five; towns having one thousand, and less than two thousand inhabitants, may elect seven; towns having two thousand, and less than three thousand inhabitants, may elect ten; towns having three thousand, and less than five thousand inhabitants, may elect twelve; and towns having five thousand, or more, inhabitants, may elect fifteen justices of the peace.

## ARTICLE XIX.

All the officers named in the preceding articles of amendment shall be annually elected by ballot and shall hold their offices for one year, said year commencing on the first day of December next after their election.

## ARTICLE XX.

The election of the several officers mentioned in the preceding articles, excepting town Representatives, shall be made at the times and in the manner now directed by the Constitution for the choice of Senators. And the presiding officer of each free-men's meeting, after the votes shall have been taken, sorted and counted, shall, in open meeting, make a certificate of the names of each person voted for, with the number of votes given for each, annexed to his name and designating the office for which the votes were given a record of which shall be made in the town clerk's office and he shall seal up said certificate, and shall write thereon the name of the town and the words, "Certificate of

Votes for \_\_\_\_\_," and add thereto, in writing, the title of the office voted for, as the case may be, and shall deliver such certificate to some Representative chosen as a member of the General Assembly, whose duty it shall be to cause such certificate of votes to be delivered to the committee of the General Assembly appointed to canvass the same. And at the sitting of the General Assembly, next after such balloting for the officers aforesaid, there shall be a committee appointed of and by the General Assembly, who shall be sworn to the faithful discharge of their duty, and whose duty it shall be to examine such certificates and ascertain the number of votes given for each candidate, and the persons receiving the largest number of votes for the respective offices, shall be declared duly elected, and by such committee be reported to the General Assembly, and the officers so elected shall be commissioned by the Governor. And if two or more persons designated for any one of said offices, shall have received an equal number of votes, the General Assembly shall elect one of such persons to such office.

#### ARTICLE XXI

The term of office of the Governor, Lieutenant-Governor and Treasurer of the State, respectively, shall commence when they shall be chosen and qualified, and shall continue for the term of one year, or until their successor shall be chosen and qualified, or to the adjournment of the session of the Legislature, at which, by the Constitution and laws, their successors are required to be chosen, and not after such adjournment. And the Legislature shall provide, by general law, declaring what officer shall act as Governor whenever there shall be a vacancy in both the offices of Governor and Lieutenant-Governor, occasioned by a failure to elect, or by the removal from office, or by the death, resignation or inability of both Governor and Lieutenant-Governor to exercise the powers and discharge the duties of the office of Governor, and such officer so designated shall exercise the powers and discharge the duties appertaining to the office of Governor accordingly until the disability shall be removed, or Governor shall be elected. And in case there shall be a vacancy in the office of Treasurer, by reason of any of the causes enumerated, the Gov-

ernor shall appoint a Treasurer for the time being, who shall act as Treasurer until the disability shall be removed or a new election shall be made.

#### ARTICLE XXII.

The Treasurer of the State shall, before entering upon the duties of his office, give sufficient security to the Secretary of State, in behalf of the State of Vermont, before the Governor of the State and one of the judges of the Supreme Court. And sheriffs and high bailiffs, before entering upon the duties of their respective offices, shall give sufficient security to the Treasurer of their respective counties, before one of the judges of the Supreme Court, or the two assistant judges of the County Court of their respective counties, in such manner and in such sums as shall be directed by the Legislature.

#### ARTICLE XXIII.

The Senate shall be composed of thirty Senators, to be of the freemen of the county for which they are elected, respectively, who shall have attained the age of thirty years, and they shall be elected annually by the freemen of each county, respectively.

The Senators shall be apportioned to the several counties according to the population as ascertained by the census taken under the authority of Congress in the year 1840, regard being always had in such apportionment to the counties having the largest fraction, and giving to each county at least one Senator.

The legislature shall make a new apportionment of the Senators to the several counties, after the taking of each census of the United States, or after a census taken for the purpose of such apportionment, under the authority of this State, always regarding the above provisions of this article.

#### ARTICLE XXIV.

Section 1. The General Assembly shall meet on the first Wednesday of October, biennially; the first election shall be on the first Tuesday of September, A. D. 1870; the first session of the General Assembly on the first Wednesday of October, A. D. 1870.

Sec. 2. The Governor, Lieutenant-Governor, Treasurer of State, Senators, town Representatives, assistant judges of the County Court, sheriffs, high bailiffs, State's attorneys, judges of

probate and justices of the peace shall be elected biennially, on the first Tuesday of September, in the manner prescribed by the Constitution of the State.

Sec. 3. The term of office of the Governor, Lieutenant-Governor and Treasurer of the State, respectively, shall commence when they shall be chosen and qualified, and shall continue for the term of two years, or until their successors shall be chosen and qualified, or to the adjournment of the session of the Legislature at which, by the Constitution and laws, their successors are required to be chosen, and not after such adjournment.

Sec. 4. The term of office of Senators and town Representatives shall be two years, commencing on the first Wednesday of October following their election.

Sec. 5. The term of office of the assistant judges of the County Court, sheriffs, high bailiffs, State's attorneys, judges of probate and justices of the peace, shall be two years, and shall commence on the first day of December next after their election.

#### ARTICLE XXV.

Section 1. At the session of the General Assembly of this State, A. D. 1880, and at the session thereof every tenth year thereafter, the Senate may, by a vote of two-thirds of its members, make proposals of amendment to the Constitution of the State, which proposals of amendment, if concurred in by a majority of the members of the House of Representatives, shall be entered on the journals of the two houses, and referred to the General Assembly then next to be chosen, and be published in the principal newspapers of the State; and if a majority of the members of the Senate and of the House of Representatives of the next following General Assembly shall respectively concur in the same proposals of amendment, or any of them, it shall be the duty of the General Assembly to submit the proposals of amendment so concurred in to a direct vote of the freemen of the State; and such of said proposals of amendment as shall receive a majority of the votes of the freemen voting thereon shall become a part of the Constitution of this State.

Sec. 2. The General Assembly shall direct the manner of voting by the people upon the proposed amendments, and enact all such laws as shall be necessary to procure a free and fair vote upon each amendment proposed, and to carry into effect all the provisions of the preceding section.

Sec. 3. The House of Representatives shall have all the power now possessed by the Council of Censors to order impeachments, which shall in all cases be by a vote of two-thirds of its members.

Sec. 4. The forty-third section of the second part of the Constitution of this State is hereby abrogated.

#### ARTICLE XXVI

The judges of the Supreme Court shall be elected biennially, and their term of office shall be two years.

#### ARTICLE XXVII

Section 1. The Representatives having met on the day appointed by law for the commencement of a biennial session of the General Assembly, and chosen their Speaker, and the Senators having met, shall, before they proceed to business, take and subscribe the following oath in addition to the oath now prescribed:

"You, ———, do solemnly swear (or affirm) that you did not at the time of your election to this body, and that you do not now hold, any office of profit or trust under the authority of Congress. So help me God." Or, in the case of affirmation, "Under the pains and penalties of perjury."

Sec. 2. The words "office of profit or trust under the authority of Congress" shall be construed to mean any office created directly or indirectly by Congress, and for which emolument is provided from the Treasury of the United States.

#### ARTICLE XXVIII

Section 1. The Secretary of State and Auditor of Accounts shall be elected by the freemen of the State upon the same ticket with the Governor, Lieutenant-Governor and Treasurer.

Sec. 2. The Legislature shall carry this article into effect by appropriate legislation.

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CONSTITUTION  
OF THE  
STATE OF VIRGINIA.

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# CONSTITUTION OF THE STATE OF VIRGINIA.

## ARTICLES.

### Article

1. Bill of rights.
2. Division of powers.
3. Elective franchise and qualifications for office.
4. Executive department.
5. Legislative department.
6. Judiciary department.
7. County organizations.
8. Education.
9. Militia.
10. Taxation and finance.
11. Miscellaneous provisions.
12. Future changes in the Constitution.

## ARTICLE I.

### *Bill of Rights.*

### Section

1. Equality and rights of individuals.
2. The State a unit of the federal government.
3. Supreme law of the land.
4. All power vested in the people.
5. Protection and security of the nation.
6. That no man or set of men are entitled to exclusive or separate emoluments.
7. Legislative, executive and judicial powers.
8. Right of suffrage.
9. The people have the right of representation.
10. In capital prosecutions a man has the right to know the cause and nature of his accusation.
11. Excessive bail
12. General warrants and right to search.
13. Trial by jury is preferable to any other.
14. Freedom of the press.
15. Militia for defense of the State.
16. Uniform government.

### Section

17. Free government dependent upon justice, moderation and temperance.
18. Freedom of religious thought.
19. Slavery and involuntary servitude illegal, except as lawful imprisonment.
20. Civil and political rights.
21. The rights enumerated in this bill do not limit other Acts of the people.

## ARTICLE II.

### *Division of Powers.*

1. The powers of the State are to be divided under the legislative, executive and judiciary departments.

## ARTICLE III.

### *Elective Franchise and Qualifications for Office.*

1. Qualifications for voting.  
First. Those who may not vote.  
—Idiots and lunatics.  
Second. Those convicted of bribery, etc.  
Third. For fighting a duel.
2. All elections shall be by ballot.
3. Those eligible as jurors.
4. Exemption from military service.
5. Oath of office.

## ARTICLE IV.

### *Executive Department.*

1. Chief officer is the Governor.
2. Election of the Governor.
3. To be eligible for office of Governor.
4. Residence of Governor and salary.
5. Governor's duties.

## Section

6. Governor to have information from officers in executive department.
7. Commissions and grants to be in the name of the commonwealth of Virginia.
8. Certain requirements for every resolution before it becomes a law.
9. Election of Lieutenant-Governor.
10. When Lieutenant-Governor takes the Governor's place.
11. Lieutenant-Governor president of the Senate.
12. Secretary of the Commonwealth, Treasurer and Auditor.—Election of the same.
13. Duties of the Secretary.
14. Powers and duties of the Treasurer.
15. Bureau of statistics, agriculture, chemistry and geology.
16. Bureau of immigration.
17. Board of public works, to consist of Governor, Auditor and Treasurer.

## ARTICLE V.

*Legislative Department.*

1. Legislative power vested in General Assembly.
2. Election of House of Delegates.
3. The Senate shall consist of not less than thirty-three nor more than forty members.—Election of the same.
4. Appointment of Senators and Delegates.
5. Qualifications of Senators and Delegates.
6. General Assembly to meet once in two years.—In regard to adjournment.
7. The speaker of the House of Delegates.—Filling vacancies.
8. Salaries of members of General Assembly.
9. Origin of bills and resolutions.
10. For a bill to become a law.

## Section

11. Members of the General Assembly, when privileged from arrest.
12. Apportionment of members to House of Representatives.
13. Division of the State into districts.
14. Privilege of writ of habeas corpus.—Bill of attainder.
15. No law shall embrace more than one subject.
16. Those who may be impeached.
17. Charters not granted to religious denominations.
18. Lotteries.
19. Formation of a new county.
20. Divorces and change of names of persons.
21. Registration of births, marriages and deaths.
22. Conducting elections and filling vacancies.
23. Government of towns and cities provided for by Legislature.
24. Removal of disabilities incurred by duelling.

## ARTICLE VI.

*Judiciary Department.*

1. Jurisdiction of Supreme Court of Appeals, Circuit Courts, and County Courts, to be regulated by law.
2. Supreme Court of Appeals to consist of five judges.
3. Special Courts of Appeals.
4. Reversal of judgment.
5. Choosing of judges and their term of office.
6. Duties and compensation described by law.
7. Session of Supreme Court of Appeals.
8. Election of Attorney-General.
9. Judicial districts, how divided.
10. Rearrangement of circuits.
11. Term of office of Circuit Judge.
12. Circuit Court to be held once a year.
13. County Courts, term of office of judges of the same.

Section

14. Government of cities and towns.
15. Officers of the same.
16. Attorney for the Commonwealth.
17. City sergeant.
18. Treasurer.
19. Commissioner of revenue.
20. Mayor, his election and duties, and other city and town officers.
21. Time for holding elections.
22. General provisions.
23. Removal of judges.
24. Certain judges not to hold other offices.
25. Duties after expiration of term of office.
26. Writs and indictments.

ARTICLE VII.

*County Organizations.*

1. County officers.
2. Division of county into magisterial districts.
3. School districts.
4. Rights of General Assembly to appoint additional officers.
5. Sheriffs.

ARTICLE VIII.

*Education.*

1. Superintendent of public instruction.
2. Board of education.
3. Free schools.
4. Compulsory attendance at school.
5. Establishment of other schools.
6. Uniformity of text-books.
7. For the support of schools.
8. Supplying free text-books, when it may be done.
9. Higher grades.
10. Donations to be applied in accordance with the terms prescribed by donor.
11. Each city and town to be accountable for destruction of school property.
12. School officers.—Salaries and duties to be fixed by General Assembly.

ARTICLE IX.

*Militia.*

Section

1. Those who may be called upon to serve in the militia.
2. Encouragement of volunteer corps by the State.

ARTICLE X.

*Taxation and Finance.*

1. Real and personal property to be taxed in proportion to its value.
2. Gathering of oysters free, but the amount of sales may be taxed.
3. Certain property may be exempt from taxation.
4. Income tax on over \$600 per annum and upon certain licenses.
5. A tax on male citizens for benefit of public schools.
6. Reassessment of real estate every five years.
7. What debts the State may contract.
8. A sinking fund to be provided.
9. In regard to the interest on State bonds.
10. Appropriations to be made by law for the payment of State money.
11. A majority of the votes of the members of each house necessary to make a law.
12. State credit not to be granted.
13. In regard to the issue of scrip.
14. State may not hold corporation stock.
15. State not to be interested in any work of internal improvement.
16. The fixing of a tax.
17. The State shall not assume indebtedness of any county, borough or city.
18. An account of the expenditures of public money is to be given.
19. In regard to adjusting with West Virginia the proportion of the public debt of Virginia proper, to be borne by West Virginia.

## Section

20. The amount of tax or revenue shall not exceed the necessary expenses of the State.
21. Liability to the State of any incorporated company. — Shall not be released.

## ARTICLE XI.

*Homestead and Other Exemptions.*

1. Rights of the homestead.
2. Refers to section 1.
3. Nothing in this article to interfere with the sale of property.
4. General Assembly is prohibited from passing "stay laws."
5. In regard to the rights of the head of a family or householder.
6. Abrogation of certain acts.
7. The provisions of this article shall be liberally construed.
8. Church bodies and the rights of ecclesiastical bodies.
9. Heirship of property.—Rights of

## Section

children, one or both of whose parents were slaves.

## ARTICLE XII.

*Future Changes in the Constitution.*

1. Amendments to the Constitution may be proposed in the Senate and House of Delegates.
2. In regard to revising the Constitution.

## SCHEDULE.

1. Common and statute law now in force not repugnant to this Constitution, shall remain in force.
2. All writs, actions, charters, etc., shall continue.
3. Fines and penalties under the old and the new Constitutions.
4. That all bonds, obligations, etc., shall remain valid under this Constitution.

## PREAMBLE.

Whereas, the delegates and representatives of the good people of Virginia, in convention assembled, on the twenty-ninth day of June, in the year of our Lord one thousand seven hundred and seventy-six, reciting and declaring, that whereas George the Third, King of Great Britain and Ireland, and elector of Hanover, before that time intrusted with the exercise of the kingly office in the government of Virginia, had endeavored to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good; by denying his governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and when so suspended, neglecting to attend to them for many years; by refusing to pass certain other laws unless the persons to be benefited by them would relinquish the inalienable right of representation in the legislature; by dissolving legislative assemblies, repeatedly and continually, for opposing with manly firmness his invasions of the rights of the people; when dissolved by refusing to call others for a long space of time, thereby leaving the political system

without any legislative head; by endeavoring to prevent the population of our country, and for that purpose obstructing the laws for naturalization of foreigners; by keeping among us, in time of peace, standing armies and ships of war; by affecting to render the military independent of and superior to the civil power; by combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation for quartering large bodies of armed troops among us; for cutting off our trade with all parts of the world; for imposing taxes on us without our consent; for depriving us of the benefit of trial by jury; for transporting us beyond the seas for trial for pretended offenses; for suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever; by plundering our seas, ravaging our coasts, burning our towns, and destroying the lives of our people; by inciting insurrection of our fellow-subjects with the allurements of forfeiture and confiscation; by prompting our negroes to rise in arms among us—those very negroes whom, by an inhuman use of his negative, he had refused us permission to exclude by law; by endeavoring to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions of existence; by transporting hither a large army of foreign mercenaries to complete the work of death, desolation and tyranny, then already begun, with circumstances of cruelty and perfidy unworthy the head of a civilized nation; by answering our repeated petitions for redress with a repetition of our injuries; and finally, by abandoning the helm of government and declaring us out of his allegiance and protection — by which several acts of misrule, the government of this country, as before exercised under the crown of Great Britain, was totally dissolved — did, therefore, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy country would be reduced unless some regular, adequate mode of civil policy should be speedily adopted, and in compliance with the recommendations of the general congress, ordain and declare a form of government of Virginia.

And, whereas, a convention, held on the first Monday in October, in the year one thousand eight hundred and twenty-nine, did propose to the people of this Commonwealth an amended constitution or form of government, which was ratified by them;

And, whereas, the General Assembly of Virginia, by an act passed on the fourth of March in the year one thousand eight hundred and fifty, did provide for the election, by the people, of delegates to meet in general convention, to consider, discuss and propose a new constitution, or alterations and amendments to the existing constitution of this Commonwealth; and by an act passed on the thirteenth of March, in the year one thousand eight hundred and fifty-one, did further provide for submitting the same to the people for ratification or rejection, and the same having been submitted accordingly was ratified by them;

And, whereas, the General Assembly of Virginia, by an act passed on the twenty-first day of December, in the year one thousand eight hundred and sixty-three, did provide for the election, by the people, of delegates to meet in general convention, to consider, discuss and adopt alterations and amendments to the existing Constitution of this Commonwealth, the delegates so assembled did, therefore, having maturely considered the premises, adopt a revised and amended Constitution as the form of government of Virginia;

And, whereas, the Congress of the United States did, by an act passed on the second day of March, in the year one thousand eight hundred and sixty-seven, and entitled "An act to provide for the more efficient government of the rebel States," and by acts supplementary thereto passed on the twenty-third day of March and the nineteenth day of July, in the year one thousand eight hundred and sixty-seven, provide for the election, by the people of Virginia, qualified to vote under the provisions of said acts, of delegates to meet in convention to frame a Constitution or form of government for Virginia in conformity with said acts; and by the same acts did further provide for the submitting of such Constitution to the qualified voters for ratification or rejection;

We, therefore, the delegates of the good people of Virginia, elected and in convention assembled, in pursuance of said act, invoking the favor and guidance of Almighty God, do propose to the people the following Constitution and form of government for this Commonwealth:

*Bill of Rights.*

ARTICLE I.

A declaration of rights made by the representatives of the good people of Virginia, assembled in full and free convention; which

rights do pertain to them and their posterity as the basis and foundation of government.

1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity — namely, the enjoyment of life and liberty, with the means of acquiring and possessing property and pursuing and obtaining happiness and safety.

2. That this State shall ever remain a member of the United States of America, and that the people thereof are a part of the American nation, and that all attempts, from whatever source or upon whatever pretext, to dissolve said union or to sever said nation are unauthorized, and ought to be resisted with the whole power of the State.

3. That the Constitution of the United States and the laws of Congress passed in pursuance thereof, constitute the supreme law of the land, to which paramount allegiance and obedience are due from every citizen, anything in the Constitution, ordinances or laws of any State to the contrary notwithstanding.

4. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

5. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

6. That no man or set of men are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which, not being descendible, neither ought the offices of magistrate, legislator or judge to be hereditary.

7. That the legislative, executive and judicial powers should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to

a private station return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain and regular elections, in which all or any part of the former members to be again eligible or ineligible, as the laws shall direct.

8. That all elections ought to be free, and that all men having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses without their own consent or that of their representatives so elected, nor bound by any law to which they have not in like manner assented for the public good.

9. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

10. That in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land or the judgment of his peers.

11. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

12. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

13. That in controversies respecting property, and in suits between man and man, the trial by jury is preferable to any other, and ought to be held sacred.

14. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments, and any citizen may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.



15. That a well-regulated militia, composed of the body of the people trained to arms, is the proper, natural and safe defense of a free State; that standing armies, in time of peace, should be avoided as dangerous to liberty, and that in all cases the military should be under strict subordination to, and governed by, the civil power.

16. That the people have a right to uniform government; and, therefore, that no government separate from or independent of the government of Virginia ought to be erected or established within the limits thereof.

17. That no free government or the blessings of liberty can be preserved to any people but by a firm adherence to justice, moderation, temperance and virtue, and by a frequent recurrence to fundamental principles

18. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love and charity towards each other.

19. That neither slavery nor involuntary servitude, except as lawful imprisonment may constitute such, shall exist within this State.

20. That all citizens of the State are hereby declared to possess equal civil and political rights.

21. The rights enumerated in this bill of rights shall not be construed to limit other rights of the people not therein expressed.

The declaration of the political rights and privileges of the inhabitants of this State is hereby declared to be a part of the Constitution of this Commonwealth, and shall not be violated on any pretense whatever.

## ARTICLE II.

### *Division of Powers.*

The legislative, executive and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others; nor shall any person exercise the power of more than one of them at the same time, except as hereinafter provided.

## ARTICLE III.

*Elective Franchise and Qualifications for Office.*

Section 1. Every male citizen of the United States, twenty-one years old, who shall have been a resident of the State twelve months and of the county, city or town in which he shall offer to vote, three months next preceding any election, shall be entitled to vote for members of the General Assembly and all officers elected by the people: Provided, that no officer, soldier, seaman or marine of the United States army or navy shall be considered a resident of this State by reason of being stationed therein: And provided, also, that the following persons shall be excluded from voting:

First — Idiots and lunatics.

Second — Persons convicted of bribery in any election, embezzlement of public funds, treason, felony or petit larceny.

Third — No person who, while a citizen of this State, has since the adoption of this Constitution, fought a duel with a deadly weapon, sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to vote or hold any office of honor, profit or trust under this Constitution.

Sec. 2. All elections shall be by ballot, and all persons entitled to vote shall be eligible to any office within the gift of the people, except as restricted in this Constitution.

Sec. 3. All persons entitled to vote and hold office, and none others, shall be eligible to sit as jurors.

Sec. 4. No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger, to work upon public roads or to attend any court as suitor, juror or witness; and no voter shall be subject to arrest under any civil process during his attendance at elections, or in going to or returning from them.

*Oath of Office.*

Sec. 5. All persons, before entering upon the discharge of any function as officers of this State, must take and subscribe the following oath or affirmation:

“I, ———, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United

States and the Constitution and laws of the State of Virginia; that I recognize and accept the civil and political equality of all men before the law, and that I will faithfully perform the duty of ——— to the best of my ability. So help me God."

#### ARTICLE IV.

##### *Executive Department—Governor.*

Section 1. The chief executive power of this Commonwealth shall be vested in a Governor. He shall hold office for a term of four years, to commence on the first day of January next succeeding his election, and be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

Sec. 2. The Governor shall be elected by the voters at the times and places of choosing members of the General Assembly. Returns of elections shall be transmitted, under seal, by the proper officers to the Secretary of the Commonwealth, who shall deliver them to the Speaker of the House of Delegates on the first day of the next session of the General Assembly. The Speaker of the House of Delegates shall, within one week thereafter, in the presence of a majority of the Senate and House of Delegates, open the said returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen Governor by the joint vote of the two houses of the General Assembly. Contested elections for Governor shall be decided by a like vote, and the mode of proceeding in such cases shall be prescribed by law.

Sec. 3. No person except a citizen of the United States shall be eligible to the office of Governor; and if such person be of foreign birth, he must have been a citizen of the United States for ten years next preceding his election; nor shall any person be eligible to that office unless he shall have attained the age of thirty years, and have been a resident of this State for three years next preceding his election.

Sec. 4. The Governor shall reside at the seat of government; shall receive five thousand dollars for each year of his service, and while in office shall receive no other emolument from this or any other government.

Sec. 5. He shall take care that the laws be faithfully executed; communicate to the General Assembly at every session

the condition of the Commonwealth; recommend to their consideration such measures as he may deem expedient, and convene the General Assembly on application of two-thirds of the members of both houses thereof, or when, in his opinion, the interest of the Commonwealth may require it. He shall be commander-in-chief of the land and naval forces of the State; have power to embody the militia to repel invasion, suppress insurrection, and enforce the execution of the laws; conduct, either in person or in such manner as shall be prescribed by law, all intercourse with other and foreign States; and during the recess of the General Assembly, to fill, pro tempore, all vacancies in those offices for which the Constitution and laws make no provision; but his appointments to such vacancies shall be by commissions, to expire at the end of thirty days after the commencement of the next session of the General Assembly. He shall have power to remit fines and penalties in such cases and under such rules and regulations as may be prescribed by law, and except when the prosecution has been carried on by the House of Delegates; to grant reprieves and pardons after conviction; to remove political disabilities consequent upon conviction for offenses committed prior or subsequent to the adoption of this Constitution, and to commute capital punishment; but he shall communicate to the General Assembly, at each session, particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting or commuting the same.

Sec. 6. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices; and may also require the opinion, in writing, of the Attorney-General upon any question of law connected with his duties.

Sec. 7. Commissions and grants shall run in the name of the Commonwealth of Virginia, and be attested by the Governor, with the seal of the Commonwealth annexed.

Sec. 8. Every bill which shall have passed the Senate and House of Delegates, and every resolution requiring the assent of both branches of the General Assembly, shall, before it becomes a law, be presented to the Governor; if he approves, he shall sign it; but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it.

If, after such consideration, two-thirds of the members present shall agree to pass the bill or joint resolution, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, it shall become a law, notwithstanding the objections of the Governor. But in all such cases the votes of both houses shall be determined by ayes and noes, and the names of the members voting for and against the bill or joint resolution shall be entered on the journal of each house respectively. If any bill or resolution shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not be a law.

*Lieutenant-Governor.*

Sec. 9. A Lieutenant-Governor shall be elected at the same time and for the same term as the Governor, and his qualification and the manner of his election in all respects, shall be the same.

Sec. 10. In case of the removal of the Governor from office, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant-Governor; and the General Assembly shall provide by law for the discharge of the executive functions in other necessary cases.

Sec. 11. The Lieutenant-Governor shall be President of the Senate, but shall have no vote except in case of an equal division; and while acting as such shall receive a compensation equal to that allowed to the Speaker of the House of Delegates.

*Secretary of the Commonwealth, Treasurer and Auditor.*

Sec. 12. A Secretary of the Commonwealth, Treasurer, and Auditor of Public Accounts shall be elected by the joint vote of the two houses of the General Assembly, and continue in office for the term of two years, unless sooner relieved. The salary of each shall be determined by law.

Sec. 13. The Secretary shall keep a record of the official acts of the Governor, which shall be signed by the Governor and attested by the Secretary; and when required, he shall lay the

same, and any papers, minutes and vouchers pertaining to his office, before either house of the General Assembly; and shall perform such other duties as may be prescribed by law. All fees received by the Secretary shall be paid into the treasury.

Sec. 14. The powers and duties of the Treasurer and Auditor shall be such as are now or may hereafter be prescribed by law.

Sec. 15. There may be established in the office of the Secretary of State a bureau of statistics, and a bureau of agriculture, chemistry and geology, under such regulations as may be prescribed by law.

Sec. 16. The General Assembly shall have power to establish a bureau of agriculture and immigration under such regulations as may be prescribed.

#### *Board of Public Works.*

Sec. 17. There shall be a board of public works, to consist of the Governor, Auditor, and Treasurer of the Commonwealth, under such regulations as may be prescribed by law.

### ARTICLE V.

#### *Legislative Department.*

Section 1. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and House of Delegates.

Sec. 2. The House of Delegates shall be elected biennially by the voters of the several cities and counties on the Tuesday succeeding the first Monday in November, and shall, from and after the Tuesday succeeding the first Monday in November, eighteen hundred and seventy-nine, consist of not more than one hundred and not less than ninety members.

Sec. 3. From and after the same date the Senate shall consist of not less than thirty-three nor more than forty members. They shall be elected for the term of four years—for the election of whom the counties, cities and towns shall be divided into districts. Each county, city and town of the respective districts shall, at the time of the first election of its delegate or delegates under this amendment, vote for one or more Senators. The Senators first elected under this amendment in districts bearing odd numbers shall vacate their offices at the end of two years; and those elected in districts bearing even numbers at the end of four years; and vacancies occurring by expiration of term shall be filled by the election of Senators for the full term.

Sec. 4. An apportionment of Senators and members of the House of Delegates shall be made at the regular session of the General Assembly next preceding the Tuesday after the first Monday in November, eighteen hundred and seventy-nine, or sooner. A reapportionment shall be made in the year eighteen hundred and ninety-one, and every tenth year thereafter.

*Qualifications of Senators and Delegates.*

Sec. 5. Any person may be elected Senator who, at the time of election, is actually a resident within the district and qualified to vote for members of the General Assembly according to this Constitution; and any person may be elected a member of the House of Delegates who, at the time of election, is actually a resident within the county, city, town or election district, qualified to vote for members of the General Assembly according to this Constitution. But no person holding a salaried office under the State government shall be capable of being elected a member of either house of the General Assembly. The removal of any person elected to either branch of the General Assembly from the city, county, town or district for which he was elected shall vacate his office.

*Powers and Duties of the General Assembly.*

Sec. 6. The General Assembly shall meet once in two years, and not oftener, unless convened by the Governor in the manner prescribed in this Constitution. No session of the General Assembly, after the first under this amendment, shall continue longer than ninety days without the concurrence of three-fifths of the members elected to each house; in which case the session may be extended for a further period, not exceeding thirty days. Neither house during the session of the General Assembly shall, without the consent of the other, adjourn for more than three days, nor to any place than that in which the two houses shall be sitting. A majority of the members elected to each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members in such manner and under such penalty as each house may prescribe.

Sec. 7. The House of Delegates shall choose its own Speaker; and in the absence of the Lieutenant-Governor, or when he shall exercise the office of the Governor, the Senate shall choose from

their own body a President pro tempore; and each house shall appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies; but if vacancies shall occur during the recess of the General Assembly, such writs may be issued by the Governor, under such regulations as may be prescribed by law. Each house shall judge of the election, qualification and returns of its members; may punish them for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Sec. 8. The members of the General Assembly shall receive for their services a salary, to be ascertained by law and paid out of the public treasury; but no act increasing such salary shall take effect until after the end of the term for which the members of the House of Delegates voting thereon were elected; and no Senator or Delegate, during the term for which he shall have been elected, shall be appointed to any civil office of profit under the Commonwealth which has been created, or the emoluments of which have been increased during such term, except officers filled by election by the people.

Sec. 9. Bills and resolutions may originate in either of the two houses of the General Assembly, to be approved or rejected by either, and may be amended by either house, with the consent of the other.

Sec. 10. Each house of the General Assembly shall keep a journal of its proceedings, which shall be published from time to time; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal. No bill shall become a law until it has been read on three different days of the session in the house in which it originated, unless two-thirds of the members in that house shall otherwise determine.

Sec. 11. The members of the General Assembly shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during the sessions of their respective houses; and for any speech or debate in either house they shall not be questioned in any other place. They shall not be subject to arrest, under any civil process, during the sessions of the General Assembly, nor for fifteen days next before the convening and after the termination of each session.

Sec. 12. The whole number of members to which the State may at any time be entitled in the House of Representatives of



the United States shall be apportioned, as nearly as may be, amongst the several counties, cities and towns of the State according to their population.

Sec. 13. In the apportionment the State shall be divided into districts corresponding in number with the representatives to which it may be entitled in the House of Representatives of the Congress of the United States, which shall be formed, respectively, of contiguous counties, cities and towns; be compact and include, as nearly as may be, an equal number of population.

Sec. 14. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of invasion or rebellion, the public safety may require it. The General Assembly shall not pass any bill of attainder, or any ex post facto law, or any law impairing the obligation of contracts, or any law whereby private property shall be taken for public uses without just compensation, or any law abridging the freedom of speech or of the press. No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall any man be enforced, restrained, molested or burthened in his body or goods, or otherwise suffer on account of his religious opinions or belief, but all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and the same shall in no wise affect, diminish or enlarge their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this Commonwealth to levy on themselves or others any tax for the erection or repair of any house of public worship, or for the support of any church or ministry, but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

Sec. 15. No law shall embrace more than one object, which shall be expressed in its title; nor shall any law be revived or amended with reference to its title, but the act revived or the section amended shall be re-enacted and published at length.

Sec. 16. The Governor, Lieutenant-Governor, Judges, and all others offending against the State by maladministration, corruption, neglect of duty or other high crime or misdemeanor, shall be impeachable by the House of Delegates, and be prosecuted before the Senate, which shall have the sole power to try

impeachment. When sitting for that purpose they shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in case of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the Commonwealth; but the party convicted shall nevertheless be subject to indictment, trial, judgment and punishment according to law. The Senate may sit during the recess of the General Assembly for the trial of impeachment.

Sec. 17. The General Assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

Sec. 18. No lottery shall hereafter be authorized by law; and the buying, selling or transferring of tickets or chances in any lottery shall be prohibited.

Sec. 19. No new county shall be formed with an area of less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area; nor shall any county having a population less than ten thousand be deprived of more than one-fifth of such population; nor shall a county having a larger population be reduced below eight thousand. But any county the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the General Assembly. In all general elections the voters in any county not entitled to separate representation shall vote in the same election district.

Sec. 20. The General Assembly shall confer on the courts the power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other persons under legal disability, but shall not, by special legislation, grant relief in such cases, or in any other case of which the courts or other tribunals may have jurisdiction.

Sec. 21. The General Assembly shall provide for the annual registration of births, marriages and deaths.

Sec. 22. The manner of conducting and making returns of elections, of determining contested elections, and of filling vacancies in office, in cases not specially provided for by this Constitution, shall be prescribed by law, and the General Assembly

may declare the cases in which any office shall be deemed vacant where no provision is made for that purpose in this Constitution.

Sec. 23. The Legislature shall have power to provide for the government of cities and towns, and to establish such courts therein as may be necessary for the administration of justice.

Sec. 24. The General Assembly shall have power, by a two-thirds vote, to remove disabilities incurred under clause third, section one, article third, of this Constitution, with reference to duelling.

#### ARTICLE VI.

##### *Judiciary Department.*

Section 1. There shall be a Supreme Court of Appeals, Circuit Courts and County Courts. The jurisdiction of these tribunals, and the judges thereof, except so far as the same is conferred by this Constitution, shall be regulated by law.

Sec. 2. The Supreme Court of Appeals shall consist of five judges, any three of whom may hold a court. It shall have appellate jurisdiction only, except in cases of habeas corpus, mandamus, and prohibition. It shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs, is less in value or amount than five hundred dollars, except in controversies concerning the title or boundaries of land, the probate of a will, the appointment or qualification of a personal representative guardian, committee or curator; or concerning a mill, roadway, ferry, or landing; or the right of a corporation or of a county to levy tolls or taxes, and except in cases of habeas corpus, mandamus, and prohibition, or the constitutionality of a law: Provided, that the assent of a majority of the judges elected to the court shall be required in order to declare any law null and void by reason of its repugnance to the Federal Constitution or to the Constitution of this State.

Sec. 3. Special Courts of Appeals, to consist of not less than three nor more than five judges, may be formed of the judges of the Supreme Court of Appeals and of the Circuit Courts, or any of them, to try any cases on the docket of said court in respect to which a majority of the judges thereof may be so situated as to make it improper for them to sit on the hearing of the same; also, to try any cases on the said docket which cannot be otherwise disposed of with convenient dispatch

Sec. 4. When a judgment or decree is reversed or affirmed by the Supreme Court of Appeals the reasons therefor shall be stated in writing and preserved with the records of the case.

Sec. 5. The judges shall be chosen by the joint vote of the two houses of the General Assembly, and shall hold their office for a term of twelve years; they shall, when chosen, have held a judicial station in the United States, or shall have practiced law in this or some other State for five years.

Sec. 6. The officers of the Supreme Court of Appeals shall be appointed by the said court or by the judges thereof in vacation. Their duties, compensation and tenure of office shall be prescribed by law.

Sec. 7. The Supreme Court of Appeals shall hold its sessions at two or more places in the State, to be fixed by law.

Sec. 8. At every election of a Governor an Attorney-General shall be elected by the qualified voters of this Commonwealth. He shall be commissioned by the Governor, perform such duties and receive such compensation as may be prescribed by law, and shall be removable in the manner prescribed for the removal of judges.

#### *Circuit Courts.*

Sec. 9. The State shall be divided into sixteen judicial circuits, as follows:

1. The counties of Norfolk, Princess Anne, Nansemond, Isle of Wight, Southampton, Surry and the city of Norfolk shall constitute the first circuit.

2. The counties of Sussex, Greensville, Brunswick, Prince George, Dinwiddie, Notoway, Chesterfield and the city of Petersburg shall constitute the second circuit.

3. The counties of Mecklenburg, Lunenburg, Charlotte, Amelia, Powhatan, Prince Edward, Buckingham and Cumberland shall constitute the third circuit.

4. The counties of Halifax, Pittsylvania, Henry, Patrick, Franklin and the town of Danville shall constitute the fourth circuit.

5. The counties of Bedford, Campbell, Appomattox, Amherst, Nelson and the city of Lynchburg shall constitute the fifth circuit.

6. The counties of Albemarle, Fluvanna, Culpeper, Goochland, Madison, Greene and Orange shall constitute the sixth circuit.

7. The county of Henrico and the city of Richmond shall constitute the seventh circuit.

8. The counties of Accomac, Northampton, York, Elizabeth City, Warwick, James City, New Kent, Charles City and the city of Williamsburg shall constitute the eighth circuit.

9. The counties of Lancaster, Northumberland, Mathews, Middlesex, Gloucester, King William, Essex, and King and Queen shall constitute the ninth circuit.

10. The counties of Westmoreland, Spotsylvania, Caroline, Hanover, Stafford, King George, Richmond and Louisa shall constitute the tenth circuit.

11. The counties of Loudoun, Fauquier, Fairfax, Prince William, Rappahannock and Alexandria shall constitute the eleventh circuit.

12. The counties of Frederick, Clarke, Warren, Page, Shenandoah and Rockingham shall constitute the twelfth circuit.

13. The counties of Augusta, Rockbridge, Bath, Highland and Alleghany shall constitute the thirteenth circuit.

14. The counties of Botetourt, Roanoke, Montgomery, Floyd, Giles and Craig shall constitute the fourteenth circuit.

15. The counties of Carroll, Grayson, Wythe, Pulaski, Bland and Tazewell shall constitute the fifteenth circuit.

16. The counties of Smyth, Washington, Lee, Scott, Wise, Russell and Buchanan shall constitute the sixteenth circuit.

Sec. 10. The General Assembly may rearrange said circuits, or any of them, and increase or diminish the number thereof when the public interests shall require it.

Sec. 11. For each circuit a judge shall be chosen by the joint vote of the two houses of the General Assembly, who shall hold his office for a term of eight years, unless sooner removed in the manner prescribed by this Constitution. He shall, when chosen, possess the same qualifications of judges of the Supreme Court of Appeals; and during his continuance in office shall reside in the circuit of which he is judge.

Sec. 12. A Circuit Court shall be held at least twice a year by the judges of each circuit in every county and corporation thereof wherein a Circuit Court now is or may hereafter be established. But the judges may be required or authorized to hold the courts of their respective circuits alternately, and the judge of one circuit to hold court in any other circuit.

same, and any papers, minutes and vouchers pertaining to his office, before either house of the General Assembly; and shall perform such other duties as may be prescribed by law. All fees received by the Secretary shall be paid into the treasury.

Sec. 14. The powers and duties of the Treasurer and Auditor shall be such as are now or may hereafter be prescribed by law.

Sec. 15. There may be established in the office of the Secretary of State a bureau of statistics, and a bureau of agriculture, chemistry and geology, under such regulations as may be prescribed by law.

Sec. 16. The General Assembly shall have power to establish a bureau of agriculture and immigration under such regulations as may be prescribed.

#### *Board of Public Works.*

Sec. 17. There shall be a board of public works, to consist of the Governor, Auditor, and Treasurer of the Commonwealth, under such regulations as may be prescribed by law.

### ARTICLE V.

#### *Legislative Department.*

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Sec. 24. The General Assembly shall have power, by a two-thirds vote, to remove disabilities incurred under clause third, section one, article third, of this Constitution, with reference to duelling.

#### ARTICLE VI.

##### *Judiciary Department.*

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Sec. 2. The Supreme Court of Appeals shall consist of five judges, any three of whom may hold a court. It shall have appellate jurisdiction only, except in cases of habeas corpus, mandamus, and prohibition. It shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs, is less in value or amount than five hundred dollars, except in controversies concerning the title or boundaries of land, the probate of a will, the appointment or qualification of a personal representative guardian, committee or curator; or concerning a mill, roadway, ferry, or landing; or the right of a corporation or of a county to levy tolls or taxes, and except in cases of habeas corpus, mandamus, and prohibition, or the constitutionality of a law: Provided, that the assent of a majority of the judges elected to the court shall be required in order to declare any law null and void by reason of its repugnance to the Federal Constitution or to the Constitution of this State.

Sec. 3. Special Courts of Appeals, to consist of not less than three nor more than five judges, may be formed of the judges of the Supreme Court of Appeals and of the Circuit Courts, or any of them, to try any cases on the docket of said court in respect to which a majority of the judges thereof may be so situated as to make it improper for them to sit on the hearing of the same; also, to try any cases on the said docket which cannot be otherwise disposed of with convenient dispatch

Sec. 12. The General Assembly shall fix the salaries and prescribe the duties of all school officers, and shall make all needful laws and regulations to carry into effect the public free school system provided for by this article.

#### ARTICLE IX.

##### *Militia.*

Section 1. The militia of this State shall consist of all able-bodied male persons between the ages of eighteen and forty-five years, except such persons as hereafter may be exempted by the laws of the United States or of this State; but those who belong to religious societies whose tenets forbid them to carry arms shall not be compelled to do so, but shall pay an equivalent for personal service: and the militia shall be organized, armed and equipped, and trained as the General Assembly may provide by law.

Sec. 2. The Legislature shall provide by law for the encouragement of volunteer corps of the several arms of the service, which shall be classed as the active militia; and all other militia shall be classified as the reserve militia, and shall not be required to muster in time of peace.

#### ARTICLE X.

##### *Taxation and Finance.*

Section 1. Taxation, except as hereinafter provided, whether imposed by the State, county, or corporate bodies, shall be equal and uniform, and all property, both real and personal, shall be taxed in proportion to its value, to be ascertained as prescribed by law. No one species of property from which a tax may be collected shall be taxed higher than any other species of property of equal value.

Sec. 2. No tax shall be imposed on any of the citizens of this State for the privilege of taking or catching oysters from their natural beds with tongs in the waters thereof; but the amount of sales of oysters so taken by any citizen in any one year, may be taxed at a rate not exceeding the rate of taxation imposed upon any other species of property.

Sec. 3. The Legislature may exempt all property used exclusively for State, county, municipal, benevolent, charitable, educational and religious purposes.

Sec. 4. The General Assembly may levy a tax on income in excess of six hundred dollars per annum, and upon the following

licenses—viz.: The sale of ardent spirits, theatrical and circus companies, menageries, jugglers, itinerant peddlers, and all other shows and exhibitions for which an entrance fee is required; commission merchants, persons selling by sample, brokers and pawnbrokers, and all other business which cannot be reached by the ad valorem system. The capital invested in all business operations shall be assessed and taxed as other property. Assessments upon all stock shall be according to the market value thereof.

Sec. 5. The General Assembly may levy a tax, not exceeding one dollar per annum, on every male citizen who has attained the age of twenty-one years, which shall be applied exclusively in aid of public free schools; and counties and corporations shall have power to impose a capitation tax, not exceeding fifty cents per annum, for all purposes.

Sec. 6. The General Assembly shall provide for a reassessment of the real estate of this State in the year 1869, or as soon thereafter as practicable, and every fifth year thereafter: Provided, in making such assessment no land shall be assessed above or below its value.

Sec. 7. No debt shall be contracted by this State except to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war.

Sec. 8. The General Assembly shall provide by law a sinking fund, to be applied solely to the payment and extinguishment of the principal of the State debt, which sinking fund shall be continued until the extinguishment of such State debt; and every law hereafter enacted by the General Assembly creating a debt or authorizing a loan shall provide a sinking fund for the payment of the same.

Sec. 9. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law at the time said debt was contracted, nor shall any discrimination hereafter be made in paying the interest on State bonds which shall give a higher actual value to bonds held in foreign countries over the same class of bonds held in this country.

Sec. 10. No money shall be paid out of the State treasury except in pursuance of appropriations made by law; and no appropriation shall ever be made for the payment of any debt or obligation created, in the name of the State of Virginia, by

the usurped and pretended State authorities assembled at Richmond during the late war; and no county, city or corporation shall levy or collect any tax for the payment of any debt created for the purpose of aiding any rebellion against the State or against the United States.

Sec. 11. On the passage of every act which imposes, continues or revives any appropriation of public trust money or property, or releases, discharges or commutes any claim or demand of the State, the vote shall be determined by ayes and noes, and the names of the persons voting for and against the same shall be entered on the journals of the respective houses, and a majority of all the members elected to each house shall be necessary to give it the force of law.

Sec. 12. The credit of the State shall not be granted to or in aid of any person, association or corporation.

Sec. 13. No scrip, certificate or other evidence of State indebtedness shall be issued except for the redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

Sec. 14. The State shall not subscribe to or become interested in the stock of any company, association or corporation.

Sec. 15. The State shall not be a party to or become interested in any work of internal improvement, nor engage in carrying on any such work, otherwise than in the expenditure of grants to the State of land or other property.

Sec. 16. Every law which imposes, continues or revives a tax shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

Sec. 17. The State shall not assume any indebtedness of the county, borough or city, nor lend its credit to the same.

Sec. 18. A full account of the State indebtedness and an accurate statement of receipts and expenditures of public money shall be attached to and published with its laws passed at every regular session of the General Assembly.

Sec. 19. The General Assembly shall provide by law for adjusting with the State of West Virginia the proportion of the public debt of Virginia proper to be borne by the State of Virginia and West Virginia, and shall provide that such sum as shall be received from West Virginia shall be applied to the payment of the public debt of the State.

Sec. 20. No other or greater amount of tax or revenue shall at any time be levied than may be required for the necessary expenses of the government or to pay the existing indebtedness of the State.

Sec. 21. The liability to the State of any incorporated company or institution to redeem the principal and to pay the interest of any loan heretofore made by the State to such company or institution, shall not be released or commuted.

## ARTICLE XI.

### MISCELLANEOUS PROVISIONS.

#### *Homestead and Other Exemptions.*

Section 1. Every householder or head of a family shall be entitled, in addition to the articles now exempt from levy or distress for rent, to hold, exempt from levy, seizure, garnisheeing, or sale under any execution, order or other process issued on any demand for any debt heretofore or hereafter contracted, his real and personal property, or either, including money and debts due him, whether heretofore or hereafter acquired or contracted, to the value of not exceeding two thousand dollars, to be selected by him: Provided, that such exemption shall not extend to any execution, order or other process issued on any demand in the following cases:

First — For the purchase-price of said property or any part thereof.

Second — For services rendered by a laboring person or a mechanic.

Third — For liabilities incurred by any public officer or officer of a court, or any fiduciary, or any attorney at law, for money collected.

Fourth — For a lawful claim for any taxes, levies or assessments accruing after the 1st day of June, 1866.

Fifth — For rent hereafter accruing.

Sixth — For the legal or taxable fees of any public officer or officers of a court hereafter accruing.

Sec. 2. The foregoing section shall not be construed as subjecting the property hereby exempted, or any portion thereof, to any lien by reason of any execution levied on property which has been subsequently restored to the defendant, or judgment rendered or docketed on or after the 17th day of April, 1861, and

before the 2d day of March, 1867, for any debt contracted previous to the 4th day of April, 1864, except debts of the character mentioned in either of the above first three exceptions.

Sec. 3. Nothing contained in this article shall be construed to interfere with the sale of property aforesaid, or any portion thereof, by virtue of any mortgage, deed of trust, pledge or other security thereon.

Sec. 4. The General Assembly is hereby prohibited from passing any law staying the collection of debts, commonly known as "stay laws;" but this section shall not be construed as prohibiting any legislation which the General Assembly may deem necessary to fully carry out the provisions of this article.

Sec. 5. The General Assembly shall, at its first session under this Constitution, prescribe in what manner and on what conditions the said householder or head of a family shall thereafter set apart and hold for himself and family a homestead out of any property hereby exempted, and may, in its discretion, determine in what manner and on what conditions he may thereafter hold, for the benefit of himself and family, such personal property as he may have and coming within the exemption hereby made. But this section shall not be construed as authorizing the General Assembly to defeat or impair the benefits intended to be conferred by the provisions of this article.

Sec. 6. An act of the General Assembly, entitled "An act to exempt the homesteads of families from forced sales," passed April 29, 1877, and an act entitled "An act to stay the collection of debts for a limited period," passed March 2, 1866, and the acts amendatory thereof, are hereby abrogated.

Sec. 7. The provisions of this article shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out.

#### *Church Property.*

Sec. 8. The rights of ecclesiastical bodies in and to church property conveyed to them by regular deed of conveyance shall not be affected by the late civil war, nor by any antecedent or subsequent event, nor by any act of the Legislature purporting to govern the same, but all such property shall pass to and be held by the parties set forth in the original deeds of conveyance, or the legal assignees of such original parties holding through or by conveyance, and any act or acts of the Legislature in opposition thereto shall be null and void.



*Heirship of Property.*

Sec. 9. The children of parents one or both of whom were slaves at and during the period of cohabitation, and who were recognized by the father as his children, and whose mother was recognized by such father as his wife, and was cohabitated with as such, shall be as capable of inheriting any estate whereof such father may have died seized and possessed as though they had been born in lawful wedlock.

## ARTICLE XII.

*Future Changes in the Constitution.*

Section 1. Any amendment or amendments to the Constitution may be proposed in the Senate and House of Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes taken thereon, and referred to the General Assembly to be chosen at the next general election of Senators and members of the House of Delegates; and shall be published for three months previous to the time of making such choice. And if in the next General Assembly so next chosen as aforesaid such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people in such manner and at such times as the General Assembly shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the General Assembly voting thereon, such amendment or amendments shall become part of the Constitution.

Sec. 2. At the general election to be held in the year 1888, and in each twentieth year thereafter, and also at such time as the General Assembly may by law provide, the question, "Shall there be a convention to revise the Constitution and amend the same?" shall be decided by the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified voting at such election shall decide in favor of a convention for such purpose, the General Assembly, at its next session, shall provide by law for the election of delegates to such convention: Provided, that no amendment or

revision shall be made which shall deny or in any way impair the right of suffrage or any civil or political right as conferred by this Constitution, except for causes which apply to all persons and classes without distinction.

#### SCHEDULE.

That no inconvenience may arise from the changes in the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared that—

Section 1. The common law and the statute laws now in force not repugnant to this Constitution shall remain in force until they expire by their own limitation or are altered or repealed by the Legislature.

Sec. 2. All writs, actions, causes of actions, prosecutions, and rights of individuals and of bodies corporate and of the State, and all charters of incorporation, shall continue; and all indictments which shall have been found, or which may hereafter be found, for any crime or offense committed before the adoption of this Constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue, with the like powers and jurisdiction, both in law and in equity, as if this Constitution had not been adopted, and until the organization of the judicial department of this Constitution.

Sec. 3. That all fines, penalties, forfeitures and escheats accruing to the State of Virginia under the present Constitution and laws shall accrue to the use of the State under this Constitution.

Sec. 4. That all recognizances, bonds, obligations and all other instruments entered into or executed before the adoption of this Constitution, to the people of the State of Virginia, to any State, county or township, or any public officer or public body, or which may be entered into or executed under existing laws, "to the people of the State of Virginia," to any such officer or public body, before the complete organization of the department of government under this Constitution, shall remain binding and valid; and rights and liabilities upon the same shall continue, and may be prosecuted as provided by law. All crimes and misdemeanors and penal actions shall be tried, punished and prosecuted as though no change had taken place, until otherwise provided by law.

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CONSTITUTION  
OF THE  
STATE OF WASHINGTON.

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# CONSTITUTION OF THE STATE OF WASHINGTON.

## Articles

1. Declaration of rights.
2. Legislative department.
3. The Executive.
4. The Judiciary.
5. Impeachment.
6. Election and election rights.
7. Revenue and taxation.
8. State, county and municipal indebtedness.
9. Education.
10. Militia.
11. County, city and township organization.
12. Corporations other than municipal.
13. State institutions.
14. Seat of government.
15. Harbors and tide water.
16. Schools and granted lands.
17. Tide lands.
18. State seals.
19. Exemptions.
20. Public health and vital statistics.
21. Water and water rights.
22. Legislative apportionment.
23. Amendments.
24. Boundaries.
25. Jurisdiction.
26. Compact with the United States.
27. Schedule.

## Preamble

### ARTICLE I.

#### *Declaration of Rights.*

## Section

1. All political power is inherent in the people.
2. The Constitution of the United States is the supreme law of the land.
3. No person shall be deprived of life, liberty or property without due process of law.
4. The people have the right to assemble in a peaceable manner to consult for the common good.

## Section

5. Freedom of speech.
6. The manner of administering an oath.
7. No person shall be disturbed in his private affairs or his home invaded without authority of law.
8. No law granting any privilege or franchise shall be passed by the Legislature.
9. No persons shall be compelled to give evidence against themselves, or be twice put in jeopardy for the same offense.
10. Justice to be administered openly and without delay.
11. Freedom of religious thought and worship.—No appropriations for support of religious instruction.—No religious qualifications required for public office.
12. No law granting to any class of citizens, etc., privileges or immunities.
13. The privilege of the writ of habeas corpus shall not be suspended.
14. Excessive bail or fines not to be imposed, nor cruel punishments inflicted.
15. Conviction shall not work corruption of blood nor forfeiture of estate.
16. Private property shall not be taken without just compensation.
17. No imprisonment for debt, except.
18. The military shall be subordinate to the civil power.
19. All elections shall be free and equal.
20. Bail accepted for all crimes except capital offenses.
21. The right of trial by jury shall remain inviolate.

## Section

22. In criminal prosecutions, the accused shall have the right to appear and defend in person, etc., and demand the nature and cause of the accusation against him.
23. No bill of attainder, ex post facto law, etc., shall ever be passed.
24. Right to bear arms.
25. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information.
26. How grand juries may be summoned.
27. Treason against the State defined.
28. No hereditary emoluments or privileges shall be granted.
29. The provisions of this Constitution are mandatory unless declared to be otherwise.
30. The enumeration of rights in this Constitution not to deny others retained by the people.
31. No standing army.—Quartering of soldiers.
32. A frequent recurrence of fundamental principles is essential to the security of individual rights and the perpetuity of a free government.

## ARTICLE II.

*Legislative Department.*

1. Vested in the Senate and House of Representatives.
2. The House shall consist of not less than sixty-three nor more than ninety-nine members.—The number of Senators not more than one-half nor less than one-third of the members of the House.
3. A census to be taken in 1895 and every ten years thereafter.
4. Election of the members of the House.—Term of office.
5. The next election of members after the adoption of this Con-

## Section

- stitution shall be on the first Tuesday after the first Monday in November, 1890.
6. After the first election Senators shall be elected in the same manner as members of the House are required to be elected.
7. To be eligible to the Legislature.
8. Each House shall be judge of the election and qualification of its own members.
9. Each House may punish for contempt and disorderly behavior.
10. Each House shall elect its own officers; when Lieutenant-Governor is acting as Governor the Senate shall choose a temporary president.
11. Each House shall keep its own journal.
12. When the first Legislature shall meet.
13. Members of the Legislature may not hold a civil office, etc.
14. Those who are not eligible as members of the Legislature.
15. The Governor shall issue writs of elections to fill such vacancies as may occur.
16. When members of the Legislature may be privileged from arrest.
17. Absolute freedom of speech and debate.
18. The style of the laws.—No laws shall be enacted except by bill.
19. No bill shall embrace more than one subject.
20. A bill may originate in either House.
21. Yeas and nays shall be entered on the journal, etc.
22. Requirements for a bill to become a law.
23. Pay of legislators.
24. The Legislature shall not authorize any lobby or grant any divorce.
25. No extra compensation to be granted to any public officer, agent, etc.

Section

26. The Legislature shall direct by law in what manner and in what courts suits may be brought against the State.
27. All elections by the Legislature shall be *viva voce*.
28. The Legislature is prohibited from enacting any private or special laws except in the following cases.
29. Contract convict labor shall be abolished.
30. Corrupt solicitation of the members of the Legislature shall be punished by fine and imprisonment.—A member who has a private interest in any bill shall not vote thereon.
31. No law, except appropriation bills, to take effect until ninety days after the adjournment of the session at which it was enacted.
32. Every bill to become a law must be signed by the presiding officer of each of the two Houses in open session.
33. The ownership of lands by aliens who have not declared their intention to become citizens of the United States is prohibited, except when acquired by inheritance.
34. There shall be established a bureau of statistics, agriculture and immigration.
35. Laws to be passed for the protection of persons working in mines, factories, etc.
36. Every bill must be introduced at least ten days before the final adjournment, unless.
37. No bill shall ever be revised or amended by mere reference to its title.
38. No amendment to any bill shall be allowed which shall change the scope and object of the bill.
39. Officers of the State may not accept a pass from any railroad or other corporation.

ARTICLE III.

*Executive.*

Section

1. The executive department shall consist of Governor, Lieutenant-Governor, Secretary of State, etc.
2. The supreme executive power of the State is vested in the Governor.—Term of office four years.
3. Term of office of other State officers.
4. What is to be done with the returns for the election of the officers named above.
5. The Governor may require information in writing from the officers of the State.
6. He shall communicate by message.
7. He may, on extraordinary occasions, convene the Legislature by proclamation.
8. He is commander-in-chief of the military of the State.
9. The pardoning power shall be vested in the Governor, with restrictions.
10. When the Lieutenant-Governor is to act as Governor.
11. The Governor is to report to the Legislature at its next meeting each case of reprieve, commutation or pardon granted.
12. Every act to be signed by the Governor before it becomes a law.
13. Certain vacancies to be filled by the Governor by appointment.
14. His salary.
15. All commissions, how issued and signed.
16. Lieutenant-Governor presiding officer of the Senate.—His salary.
17. Secretary of State.—His duties.
18. Seal of State, to be kept by Secretary.
19. Treasurer.—His duties and salary.
20. The Auditor.—His powers, duties and salary.

## Section

21. The Attorney-General.—His duties and salary.
22. Superintendent of Public Instruction.—His duties.
23. The Commissioner of Public Lands.—His duties and compensation.
24. The public records of each office to be kept at the seat of government.
25. To be eligible to hold office under the State.

## ARTICLE IV.

*Judiciary.*

1. Judicial powers, how vested.
2. Supreme Court shall consist of five judges.
3. Election of same.—They shall be classified by lot.—Who Chief Justice.—In case of vacancy.
4. Supreme Court.—Its jurisdiction and powers.
5. Superior Court.—Election of judges.—Enumeration of said judges.
6. Its jurisdiction.
7. A Superior Court judge may hold court in any county.—Judge pro tempore.
8. Forfeiture of office.
9. The removal of officers.
10. Justices of the peace.—Number, duties and jurisdiction.
11. Which are to be courts of record.
12. Jurisdiction of inferior courts to be prescribed by law.
13. Who may receive fees, etc.
14. Salaries of judges of Supreme and Superior Courts.
15. They may not hold any office other than judicial.
16. How judges shall charge juries.
17. To be eligible for office of judge of the Supreme and Superior Courts.
18. A court reporter, his salary.
19. No judge of a court of record shall practice law.
20. Cases to be decided by judge of

## Section

- Superior Court within ninety days.—Provided.
21. Opinions of Supreme Court to be published.
  22. Clerk of the same.—His term and salary.
  23. Court commissioners.—Their authority and duties.
  24. Uniform rules to be established for government of Superior Courts.
  25. Defects and omissions in the laws to be reported.
  26. County clerk to be clerk of Superior Court.
  27. The style of process.
  28. Judges to take an oath to support the constitutions of United States and this State.

## ARTICLE V.

*Impeachment.*

1. The House of Representatives shall have sole power of impeachment.—A majority required.
2. Which officers are liable to impeachment.—The party, whether convicted or acquitted, shall be liable to prosecution.
3. Other officers, not liable to impeachment, shall be removed.

## ARTICLE VI.

*Elections and Elective Rights.*

1. The qualifications required to vote.
2. Women may vote at school elections.
3. Enumeration of those who may not vote.
4. No person shall be deemed to have lost or gained a residence by reason of his absence while in the civil or military service of this State or the United States.
5. Voters to be privileged from arrest during their attendance at elections, nor shall they be required to do military duty on that day.



Section

6. All elections shall be by ballot.
7. The Legislature shall enact a registration law.
8. When the first election of county and district officers is to take place, when not otherwise provided for.

ARTICLE VII.

*Revenue and Taxation.*

1. The Legislature shall provide by law an annual tax, sufficient for the estimated expenses of the State.
2. Uniform and equal rate of assessment shall be provided for.
3. The Legislature shall provide by general law for the levying of taxes on all corporation property.
4. The power to tax corporations shall not be surrendered.
5. No tax shall be levied except in pursuance to law.
6. All taxes for State purposes shall be paid in money only.
7. A statement of receipts and expenditures of public money shall be published annually.
8. Whenever the expenses for any fiscal year shall exceed the income, how provided for.
9. Cities, towns and villages may be invested with the power to make local improvements by special taxation.

ARTICLE VIII.

*State, County and Municipal Indebtedness.*

1. The State may contract debts to meet casual deficits not to exceed \$400,000.
2. In addition to the above, debts may be contracted to repel invasion, suppress insurrection, etc.
3. No other debts shall be contracted except as are authorized by law.
4. No money shall ever be paid out

Section

- of the treasury of this State except by appropriation.
5. The credit of the State shall not be given or loaned.
6. No sub-division of the State shall become indebted to an amount exceeding one and one-half per cent of the taxable property.
7. No sub-division of the State shall give money or loan its credit in aid of any individual or corporation.

ARTICLE IX.

*Education.*

1. Education for all children shall be provided without distinction on account of race, color or sex.
2. A uniform system of public schools.—Enumeration of the different grades.
3. A principle of common school fund shall remain inviolate.
4. All schools supported by public fund shall be free from sectarian control.
5. In regard to losses to the permanent school fund.

ARTICLE X.

*Militia.*

1. Those who are liable to military duty.
2. The Legislature shall provide by law for organizing and equipping the militia.
3. A soldiers' home to be provided.
4. Provision shall be made for the safe keeping of public arms.
5. The militia shall be privileged from arrest, except.
6. Persons having conscientious scruples against bearing arms shall not be compelled to do so.

ARTICLE XI.

*City, County and Township Organization.*

1. The Territorial sub-divisions are hereby recognized as legal sub-divisions of this State.

## Section

2. What is required to move a county seat.
3. To establish new counties.
4. County government shall be uniform throughout the State.
5. General and uniform laws shall provide for the election of county and other officers.—It shall prescribe their duties and fix their term of office, etc.
6. The Board of County Commissioners shall fill all vacancies by appointment.
7. No county officer shall be eligible to hold his office more than two terms.
8. The salaries of all county officers, etc., shall be fixed by law.
9. No county, or the inhabitants thereof, shall be released from its or their proportionate share of taxes.
10. Corporations for municipal purposes shall not be created by special law.
11. Any county, city, town or township may make within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.
12. The Legislature shall have no power to impose taxes upon any of the sub-divisions of the State, but may, by general laws, vest in corporate authorities thereof the power to assess and collect taxes for such purposes.
13. Private property shall not be taken or sold for the payment of any corporate debt, except.
14. The making of profit out of public money shall be a felony.
15. All moneys and taxes belonging to any sub-division of the State shall be immediately deposited with the treasurer.

## ARTICLE XII.

*Corporations other than Municipal.*

## Section

1. Corporations may be formed under general laws.—All laws relating to corporations may be altered, amended or repealed.
2. All existing charters, etc., under which an actual organization shall not have taken place at the time of the adoption of this Constitution, shall not be valid.
3. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of the same, of any corporation now existing.
4. Stockholders and all other incorporated companies, except banking or insurance, shall be liable for the debts of the corporation to the amount of his unpaid stock annually.
5. The term corporation defined.
6. Regulations in regard to the issue of stock by corporations.
7. Foreign corporations shall not be allowed to do business in this State on more favorable conditions than domestic corporations have.
8. No corporation shall lease or alienate any franchise, etc.
9. The State must not loan its credit.
10. The right of eminent domain.
11. Only lawful money of the United States to be circulated.—The liabilities of stockholders in any banking and insurance corporations.
12. In regard to an officer of any banking institution receiving deposits after the knowledge of the bank being insolvent.
13. All railroads, canal and other transportation companies are common carriers and subject to legislative control.
14. No railroad company, or other common carrier, shall combine with owners of vessels, etc.

Section

15. No discrimination in charges for passengers or freight permitted.
16. Competing lines may not consolidate.
17. The rolling stock and other movable property shall be considered personal property.
18. The Legislature shall establish transportation charges for passengers and freight.
19. Telephone and telegraph lines may be constructed and maintained.—Railroad corporations shall allow such companies right of way along their roads.
20. No railroad or other transportation company shall grant free passes, etc.
21. Monopolies and trusts shall never be allowed in this State.

ARTICLE XIII.

*State Institutions.*

1. The State shall foster and support reformatory and other institutions.

ARTICLE XIV.

*Seat of Government.*

1. Location of the seat of government shall be determined by a majority of the voters.
2. The seat of government may be changed by two-thirds vote of all the electors of the State.
3. The Legislature shall make no appropriations for capitol buildings or grounds until the seat of government shall have been permanently located.

ARTICLE XV.

*Harbors and Tideneters.*

1. Harbor lines should be located and established.—Regulations in regard to harbors, etc.
2. General laws shall be made for the right to build and maintain wharves, etc., upon the areas in section one of this article.

Section

3. The right to extend streets over intervening tide lands.

ARTICLE XVI.

*School and Granted Lands.*

1. All public lands granted by the State are held in trust for the people.—Regulations in regard to the sale of the same.
2. School lands to be sold at public auction to the highest bidder.—Terms of payment.
3. No more than one-fourth of the land granted for educational purposes shall be sold prior to January 1, 1895, etc.
4. No more than one hundred and sixty acres of granted lands shall be offered for sale in one parcel.
5. None of the permanent school fund shall ever be loaned to private persons or corporations.

ARTICLE XVII.

*Title Lands.*

1. The State asserts its ownership to the beds and shores of all navigable waters up to and including a line of ordinary high tide.
2. The State disclaims all title in and claim to all tide, swamp and overflowed lands patented by the United States.

ARTICLE XVIII.

*State Seal.*

1. Description of the same.

ARTICLE XIX.

*Exemptions.*

1. The homesteads and other property of heads of families protected from force sales.

ARTICLE XX.

*Public Health and Vital Statistics.*

1. There shall be established by law a State board of health and bureau of vital statistics.

## Section

2. Laws shall be enacted to regulate the practice of medicine and surgery and the sale of drugs and medicines.

## ARTICLE XXI.

*Water and Water Rights.*

1. The use of the waters of this State for irrigation, mining and manufactory purposes shall be deemed a public use.

## ARTICLE XXII.

*Legislative Apportionment.*

1. The State shall be divided into twenty-four Senatorial districts, as follows.
2. Until otherwise provided by law, the Representatives shall be divided among the several counties of the State, as follows:

## ARTICLE XXIII.

*Amendments.*

1. Amendments may be presented in either House.
2. A convention may be proposed to revise and amend this Constitution.
3. To have validity, the Constitution must be submitted to and adopted by the people.

## ARTICLE XXIV.

*Boundaries.*

1. The boundaries of the State.

## ARTICLE XXV.

*Jurisdiction.*

1. The United States Congress to have exclusive legislation in certain cases.

## ARTICLE XXVI.

*Compact With United States.*

1. The following ordinances shall be irrevocable without the consent of the United States and the people of this State.

## ARTICLE XXVII.

*Schedule.*

## Section

1. No existing rights, etc., shall be effected by a change in the form of government.—All Territorial laws shall remain in force until they expire.
3. All debts, fines, etc., which have accrued to the Territory shall accrue to the State.
4. All recognizances heretofore taken before the change from a Territorial to a State government shall remain valid, etc.
5. All criminal prosecutions shall continue.
6. All officers now holding office shall continue.
7. The time of election for all officers provided for in this Constitution.
8. All things appertaining or pending in the District Court of the Territory shall pass into the jurisdiction of the Superior Court.
9. The seal of the Supreme Court of the Territory shall be the seal of the Supreme Court of the State, etc.
10. The books, records, papers and proceedings of the Probate Court in each county and all cases pending therein shall pass into the jurisdiction of the Superior Court of the same county created by this Constitution.
11. The Legislature shall at its first session provide for the election of its officers whose election is not otherwise provided for.
12. In case of contested election, how settled.
13. One Representative in the Congress of the United States shall be elected from the State at large.
14. All district, county and precinct officers who may be in office at the time of the adoption of this Constitution, etc., shall

Section

hold their offices until such time as their successors may be elected and qualified.

15. The manner in which the election shall be held at the time of the adoption of this Constitution.

16. The provisions of this Constitution shall be enforced from the day on which the Territory is admitted as a State.

Section

17. Two separate articles to be submitted to the people for adoption or rejection.

18. The formal ballot to be used in voting for or against this Constitution and for or against the separate articles or the permanent location of the seat of government.

19. The Legislature is hereby authorized to defray the expenses of this convention.

PREAMBLE.

We, the people of the State of Washington, grateful to the Supreme Ruler of the Universe for our liberties, do ordain this Constitution.

ARTICLE I.

*Declaration of Rights.*

Section 1. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

Sec. 2. The Constitution of the United States is the supreme law of the land.

Sec. 3. No person shall be deprived of life, liberty or property without due process of law.

Sec. 4. The right of petition and of the people peaceably to assemble for the common good shall never be abridged.

Sec. 5. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.

Sec. 6. The mode of administering an oath or affirmation shall be such as may be most consistent with and binding upon the conscience of the person to whom such oath or affirmation may be administered.

Sec. 7. No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

Sec. 8. No law granting irrevocably any privilege, franchise or immunity shall be passed by the Legislature.

Sec. 9. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

Sec. 10. Justice in all cases shall be administered openly and without unnecessary delay.

Sec. 11. Absolute freedom of conscience in all matters of religious sentiment, belief and worship shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State. No public money or property shall be appropriated for, or applied to, any religious worship, exercise or instruction, or the support of any religious establishment. No religious qualifications shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

Sec. 12. No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

Sec. 13. The privilege of the writ of habeas corpus shall not be suspended unless, in case of rebellion or invasion, the public safety requires it.

Sec. 14. Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.

Sec. 15. No conviction shall work corruption of blood, nor forfeiture of estate.

Sec. 16. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes or ditches on or across the lands of others for agricultural, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money, or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to

be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

Sec. 17. There shall be no imprisonment for debt, except in cases of absconding debtors.

Sec. 18. The military shall be in strict subordination to the civil power.

Sec. 19. All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 20. All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

Sec. 21. The right of trial by jury shall remain inviolate, but the Legislature may provide for a jury of any number less than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for waiving of the jury in civil cases where the consent of the parties interested is given thereto.

Sec. 22. In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure rights herein guaranteed.

Sec. 23. No bill of attainder, ex post facto law or law impairing the obligations of contracts shall ever be passed.

Sec. 24. The right of the individual citizen to bear arms in defense of himself or the State shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.

Sec. 25. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information or by indictment, as shall be prescribed by law.

Sec. 26. No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.

Sec. 27. Treason against the State shall consist only in levying war against the State, or adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or confession in open court.

Sec. 28. No hereditary emoluments, privileges or powers shall be granted or conferred in this State.

Sec. 29. The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

Sec. 30. The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.

Sec. 31. No standing army shall be kept up by this State in time of peace, and no soldier shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

Sec. 32. A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.

## ARTICLE II.

### *Legislative Department.*

Section 1. The legislative powers shall be vested in a Senate and House of Representatives which shall be called "The Legislature of the State of Washington."

Sec. 2. The House of Representatives shall be composed of not less than sixty-three nor more than ninety-nine members. The number of Senators shall not be more than one-half nor less than one-third of the number of members of the House of Representatives. The first Legislature shall be composed of seventy members of the House of Representatives and thirty-five Senators.

Sec. 3. The Legislature shall provide by law for an enumeration of the inhabitants of the State in the year one thousand eight hundred and ninety-five and every ten years thereafter; and at the first session after such enumeration, and also after each enumeration made by the authority of the United States, the Legislature shall apportion and district anew the members of the Senate and the House of Representatives, according to the



number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States army and navy in active service.

Sec. 4. Members of the House of Representatives shall be elected in the year eighteen hundred and eighty-nine at the time and in the manner provided by this Constitution, and shall hold their offices for the term of one year and until their successor shall be elected.

Sec. 5. The next election of the members of the House of Representatives after the adoption of this Constitution shall be on the first Tuesday after the first Monday of November, eighteen hundred and ninety, and thereafter, members of the House of Representatives shall be elected biennially and their term of office shall be two years, and each election shall be on the first Tuesday after the first Monday in November unless otherwise changed by law.

Sec. 6. After the first election the Senators shall be elected by single districts of convenient and contiguous territory, at the same time and in the same manner as members of the House of Representatives are required to be elected; and no representative district shall be divided in the formation of a senatorial district. They shall be elected for the term of four years, one-half of their number retiring every two years. The senatorial districts shall be numbered consecutively, and the Senators chosen at the first election had by virtue of this Constitution, in odd numbered districts, shall go out of office at the end of the first year; and the Senators elected in the even numbered districts, shall go out of office at the end of the third year.

Sec. 7. No person shall be eligible to the Legislature who shall not be a citizen of the United States and a qualified voter in the district for which, he is chosen.

Sec. 8. Each house shall be the judge of the election, returns and qualifications of its own members, and a majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Sec. 9. Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and with

the concurrence of two-thirds of all the members elected, expel a member, but no member shall be expelled a second time for the same offense.

Sec. 10. Each house shall elect its own officers; and when the Lieutenant-Governor shall not attend as president, or shall act as Governor, the Senate shall choose a temporary president. When presiding, the Lieutenant-Governor shall have the deciding vote in case of an equal division of the Senate.

Sec. 11. Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other.

Sec. 12. The first Legislature shall meet on the first Wednesday after the first Monday in November, A. D. 1889. The second Legislature shall meet on the first Wednesday after the first Monday in January, A. D. 1891, and sessions of the Legislature shall be held biennially thereafter, unless specially convened by the Governor, but the times of meeting of subsequent sessions may be changed by the Legislature. After the first Legislature the sessions shall not be more than sixty days.

Sec. 13. No member of the Legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the State which shall have been created, or the emoluments of which shall have been increased during the term for which he was elected.

Sec. 14. No person being a member of Congress, or holding any civil or military office under the United States or any other power, shall be eligible to be a member of the Legislature; and if any person after his election as a member of the Legislature, shall be elected to Congress or be appointed to any other office, civil or military, under the government of the United States, or any other power, his acceptance thereof shall vacate his seat: Provided, That officers in the militia of the State who receive no annual salary, local officers and postmasters whose compensation does not exceed three hundred dollars per annum, shall not be ineligible.

Sec. 15. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature.

Sec. 16. Members of the Legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; They shall not be subject to any civil process during the sessions of the Legislature, nor for fifteen days next before the commencement of each session.

Sec. 17. No member of the Legislature shall be liable in any civil action or criminal prosecution whatever, for words spoken in debate.

Sec. 18. The style of the laws of the State shall be: "Be it enacted by the Legislature of the State of Washington." And no law shall be enacted except by bill.

Sec. 19. No bill shall embrace more than one subject, and that shall be expressed in the title.

Sec. 20. Any bill may originate in either house of the Legislature, and a bill passed by one house may be amended in the other.

Sec. 21. The yeas and nays of the members of either house shall be entered on the journal, on the demand of one-sixth of the members present.

Sec. 22. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor.

Sec. 23. Each member of the Legislature shall receive for his services five dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the Legislature, on the most usual route.

Sec. 24. The Legislature shall never authorize any lottery or grant any divorce.

Sec. 25. The Legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered, or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office.

Sec. 26. The Legislature shall direct by law in what manner and in what courts suits may be brought against the State.

Sec. 27. In all elections by the Legislature the members shall vote viva voce, and their votes shall be entered on the journal.

**Sec. 28. Special legislation.**

The Legislature is prohibited from enacting any private or special laws in the following cases:

1. For changing the names of persons, or constituting one person the heir at law of another.

2. For laying out, opening or altering highways, except in cases of State roads extending into more than one county, and military roads to aid in the construction of which lands shall have been or may be granted by Congress.

3. For authorizing persons to keep ferries wholly within this State.

4. For authorizing the sale or mortgage of real or personal property of minors, or others under disability.

5. For assessment or collection of taxes or for extending the time for the collection thereof.

6. For granting corporate powers or privileges.

7. For authorizing the apportionment of any part of the school fund.

8. For incorporating any town or village or to amend the charter thereof.

9. For giving effect to invalid deeds, wills or other instruments.

10. Releasing or extinguishing in whole, or in part, the indebtedness, liability or other obligation of any person or corporation to this State, or to any municipal corporation therein.

11. Declaring any person of age or authorizing any minor to sell, lease, or incumber his or her property.

12. Legalizing, except as against the State, the unauthorized or invalid act of any officer.

13. Regulating the rates of interest on money.

14. Remitting fines, penalties or forfeitures.

15. Providing for the management of common schools.

16. Authorizing the adoption of children.

17. For limitation of civil or criminal actions.

18. Changing county lines, locating or changing county seats: Provided, This shall not be construed to apply to the creation of new counties.

**Sec. 29.** After the first day of January, eighteen hundred and ninety, the labor of convicts of this State shall not be let out by contract to any person, co-partnership, company or corpo-

ration, and the Legislature shall by law provide for the working of convicts for the benefit of the State.

Sec. 30. The offense of corrupt solicitation of members of the Legislature, or of public officers of the State or any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practice of solicitation, and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding—except for perjury in giving such testimony—and any person convicted of either of the offenses aforesaid, shall, as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this State. A member who has a private interest in any bill or measure proposed or pending before the Legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Sec. 31. No law, except appropriation bills, shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house; said vote to be taken by yeas and nays and entered on the journals.

Sec. 32. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session, and under such rules as the Legislature shall prescribe.

Sec. 33. The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this State, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly or in trust for such alien shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal, or fire-clay, and the nec-

essary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purposes of this prohibition.

Sec. 34. There shall be established in the office of the Secretary of State, a bureau of statistics, agriculture and immigration, under such regulations as the Legislature may provide.

Sec. 35. The Legislature shall pass necessary laws for the protection of persons working in mines, factories and other employments dangerous to life or deleterious to health; and fix pains and penalties for the enforcement of same.

Sec. 36. No bill shall be considered in either house unless the time of its introduction shall have been at least ten days before the final adjournment of the Legislature, unless the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session.

Sec. 37. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.

Sec. 38. No amendment to any bill shall be allowed which shall change the scope and object of the bill.

Sec. 39. It shall not be lawful for any person holding public office in this State to accept or use a pass or to purchase transportation from any railroad or other corporation, other than as the same may be purchased by the general public, and the Legislature shall pass laws to enforce this provision.

### ARTICLE III.

#### *The Executive.*

Section 1. The executive department shall consist of a Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Attorney-General, Superintendent of Public Instruction, and a Commissioner of Public Lands, who shall be severally chosen by the qualified electors of the State at the time and place of voting as for the members of the Legislature.

Sec. 2. The supreme executive power of this State shall be vested in a Governor, who shall hold his office for the term of four years, and until his successor is elected and qualified.

**Sec. 3.** The Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Attorney-General, Superintendent of Public Instruction and Commissioner of Public Lands, shall hold their office for four years respectively, and until their successors are elected and qualified.

**Sec. 4.** The returns of every election for the officers named in the first section of this article shall be sealed up and transmitted to the seat of government by the returning officer, directed to the Secretary of State, who shall deliver the same to the speaker of the House of Representatives at the first meeting of the house thereafter, who shall open, publish and declare the result thereof in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof shall be given to such person, signed by the presiding officers of both houses; but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by a joint vote of both houses. Contested elections for such officers shall be decided by the Legislature in such manner as shall be determined by law. The terms of all officers named in section one of this article shall commence on the second Monday in January after their election, until otherwise provided by law.

**Sec. 5.** The Governor may require information in writing from the officers of the State upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

**Sec. 6.** He shall communicate at every session by message to the Legislature the condition of the affairs of the State, and recommend such measures as he shall deem expedient for their action.

**Sec. 7.** He may, on extraordinary occasions, convene the Legislature by proclamation, in which shall be stated the purpose for which the Legislature is convened.

**Sec. 8.** He shall be commander-in-chief of the military in the State, except when they shall be called into the service of the United States.

**Sec. 9.** The pardoning power shall be vested in the Governor, under such regulations and restrictions as may be prescribed by law.

**Sec. 10.** In case of the removal, resignation, death or disability of the Governor, the duties of the office shall devolve upon the

Lieutenant-Governor, and in case of a vacancy in both the offices of Governor and Lieutenant-Governor, the duties of Governor shall devolve upon the Secretary of State, who shall act as Governor, until the disability be removed or a Governor be elected

Sec. 11. The Governor shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the Legislature at its next meeting each case of reprieve, commutation or pardon granted, and the reasons for granting the same, and also the names of all persons in whose favor remissions of fines and forfeitures shall have been made, and the several amounts remitted and the reasons for the remission.

Sec. 12. Every act which shall have passed the Legislature shall be, before it becomes a law, presented to the Governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objection at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objection, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the Governor within five days, Sunday excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the Governor, within ten days next after the adjournment, Sundays excepted, shall file such bill with his objections thereto in the office of Secretary of State, who shall lay the same before the Legislature at its next session in like manner as if it had been returned by the Governor. If any bill presented to the Governor contain several sections or items, he may object to one or more sections or items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the section or sections, item or items, to which he objects, and the reasons therefor, and the section or sections, item or items so objected to shall not take effect



unless passed over the Governor's objection, as hereinbefore provided.

Sec. 13. When, during a recess of the Legislature, a vacancy shall happen in any office, the appointment to which is vested in the Legislature, or when at any time a vacancy shall have occurred in any other State office, for the filling of which vacancy no provision is made elsewhere in this Constitution, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

Sec. 14. The Governor shall receive an annual salary of four thousand dollars, which may be increased by law, but shall never exceed six thousand dollars per annum.

Sec. 15. All commissions shall issue in the name of the State, shall be signed by the Governor, sealed with the seal of the State, and attested by the Secretary of State.

Sec. 16. The Lieutenant-Governor shall be presiding officer of the State Senate, and shall discharge such other duties as may be prescribed by law. He shall receive an annual salary of one thousand dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

Sec. 17. The Secretary of State shall keep a record of the official acts of the Legislature and the executive department of the State, and, shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as shall be assigned him by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

Sec. 18. There shall be a seal of the State, kept by the Secretary of State for official purposes, which shall be called, "The Seal of the State of Washington."

Sec. 19. The Treasurer shall perform such duties as shall be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed four thousand dollars per annum.

Sec. 20. The Auditor shall be auditor of public accounts, and shall have such power and perform such duties in connection therewith as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

Sec. 21. The Attorney-General shall be the legal adviser of the State officers, and shall perform such other duties as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed thirty-five hundred dollars per annum.

Sec. 22. The Superintendent of Public Instruction shall have supervision over all matters pertaining to public schools, and shall perform such specific duties as may be prescribed by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by law, but shall never exceed four thousand dollars per annum.

Sec. 23. The Commissioner of Public Lands shall perform such duties and receive such compensation as the Legislature may direct.

Sec. 24. The Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, Commissioner of Public Lands and Attorney-General shall severally keep the public records, books and papers relating to their respective offices, at the seat of government, at which place also the Governor, Secretary of State, Treasurer and Auditor shall reside.

Sec. 25. No person, except a citizen of the United States and a qualified elector of this State, shall be eligible to hold any State office, and the State Treasurer shall be ineligible for the term succeeding that for which he was elected. The compensation for State officers shall not be increased or diminished during the term for which they shall have been elected. The Legislature may, in its discretion, abolish the offices of the the Lieutenant-Governor, Auditor and Commissioner of Public Lands.

#### ARTICLE IV.

##### *The Judiciary.*

Section 1. The judicial power of the State shall be vested in a Supreme Court, Superior Courts, justices of the peace, and such inferior courts as the Legislature may provide.

Sec. 2. The Supreme Court shall consist of five judges, a majority of whom shall be necessary to form a quorum, and pronounce a decision. The said court shall always be open for the transaction of business, except on non-judicial days. In the determination of causes all decisions of the court shall be given in writing and the grounds of the decision shall be stated. The

Legislature may increase the number of judges of the Supreme Court from time to time, and may provide for separate departments of said court.

Sec. 3. The judges of the Supreme Court shall be elected by the qualified electors of the State at large at the general State election at the time and places at which State officers are elected, unless some other time be provided by the Legislature. The first election of judges of the Supreme Court shall be at the election which shall be held upon the adoption of this Constitution, and the judges elected thereat shall be classified by lot, so that two shall hold their office for the term of three years, two for the term five years, and one for the term of seven years. The lot shall be drawn by the judges who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the Secretary of State, and filed in his office. The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all sessions of the Supreme Court, and in case there shall be two judges having in like manner the same short term, the other judges of the Supreme Court shall determine which of them shall be chief justice. In case of the absence of the chief justice, the judge having in like manner the shortest or next shortest term to serve shall preside. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occur in the office of a judge of the Supreme Court the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the Supreme Court first elected shall commence as soon as the State shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the Supreme Court shall be held at the seat of government until otherwise provided by law.

Sec. 4. The Supreme Court shall have original jurisdiction in habeas corpus and quo warranto and mandamus as to all State officers, and appellate jurisdiction in all actions and proceedings excepting that its appellate jurisdiction shall not extend to civil

actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property, does not exceed the sum of two hundred dollars (\$200), unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The Supreme Court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or before the Supreme Court, or before any Superior Court of the State or any judge thereof.

Sec. 5. There shall be in each of the organized counties of this State a Superior Court for which at least one judge shall be elected by the qualified electors of the county at the general State election: Provided, that until otherwise directed by the Legislature, one judge only shall be elected for the counties of Spokane and Stevens; one judge for the county of Whitman; one judge for the counties of Lincoln, Okanogan, Douglas and Adams; one judge for the counties of Walla Walla and Franklin; one judge for the counties of Columbia, Garfield and Asotin; one judge for the counties of Kittitas, Yakima and Klickitat; one judge for the counties of Clarke, Skamania, Pacific, Cowlitz and Wahkiakum; one judge for the counties of Thurston, Chehalis, Mason and Lewis; one judge for the county of Pierce; one judge for the county of King; one judge for the counties of Jefferson, Island, Kitsap, San Juan and Clallam; and one judge for the counties of Whatcom, Skagit and Snohomish. In any county where there shall be more than one superior judge, there may be as many sessions of the Superior Court at the same time as there are judges thereof, and whenever the Governor shall direct a superior judge to hold court in any county other than that for which he has been elected, there may be as many sessions of the Superior Court in said county at the same time as there are judges therein or assigned to duty therein by the Governor, and the business of the court shall be so distributed and assigned by law, or, in the absence of legislation therefor, by such rules and orders of court, as shall best promote and secure the convenient and expeditious transaction thereof. The judg-

ments, decrees, orders and proceedings of any session of the Superior Court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court presided at such session. The first superior judges elected under this Constitution shall hold their offices for the period of three years, and until their successors shall be elected and qualified, and thereafter the term of office of all superior judges in this State shall be for four years from the second Monday in January next succeeding their election, and until their successors are elected and qualified. The first election of judges of the Superior Court shall be at the election held for the adoption of this Constitution. If a vacancy occurs in the office of judge of the Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

Sec. 6. The Superior Court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand, or the value of the property in controversy, amounts to one hundred dollars, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The Superior Court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization, and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justice's and other inferior courts in their respective counties as may be prescribed by law. They shall be always open except on non-judicial days, and their process shall extend to all parts of the State. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and non-judicial days.

Sec. 7. The judge of any Superior Court may hold a Superior Court in any county at the request of the judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty to do so. A case in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case.

Sec. 8. Any judicial officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office: Provided, that in cases of extreme necessity the Governor may extend the leave of absence such time as the necessity therefor shall exist.

Sec. 9. Any judge of any court of record, the Attorney-General or any prosecuting attorney, may be removed from office by joint resolution of the Legislature, in which three-fourths of the members elected to each house shall concur, for incompetency, corruption, malfeasance or delinquency in office, or other sufficient cause stated in such resolution. But no removal shall be made unless the officer complained of shall have been served with a copy of the charges against him as the ground of removal, and shall have an opportunity of being heard in his defense. Such resolution shall be entered at length on the journal of both houses, and on the question of removal the ayes and nays shall also be entered on the journal.

Sec. 10. The Legislature shall determine the number of justices of the peace to be elected in incorporated cities or towns and in precincts, and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: Provided, that such jurisdiction granted by the Legislature shall not trench upon the jurisdiction of Superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. In incorporated cities or towns having more than five thousand inhabitants the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

Sec. 11. The Supreme Court and the Superior Court shall be courts of record, and the Legislature shall have power to provide that any of the courts of this State, excepting justices of the peace, shall be courts of record.

Sec. 12. The Legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this Constitution.

Sec. 13. No judicial officer, except court commissioners and unsalaried justices of the peace, shall receive to his own use any fees or perquisites of office. The judges of the Supreme Court and judges of the Superior Courts shall severally, at stated times, during their continuance in office, receive for their services the salaries prescribed by law therefor, which shall not be increased after their election, nor during the term for which they shall have been elected. The salaries of the judges of the Supreme Court shall be paid by the State. One-half of the salary of each of the Superior Court judges shall be paid by the State, and the other one-half by the county or counties for which he is elected. In cases where a judge is provided for more than one county, that portion of his salary which is to be paid by the counties shall be apportioned between or among them according to the be paid.

Sec. 14. Each of the judges of the Supreme Court shall receive an annual salary of four thousand dollars (\$4,000); each of the Superior Court judges shall receive an annual salary of three thousand dollars (\$3,000), which said salary shall be payable quarterly. The Legislature may increase the salaries of the judges herein provided.

Sec. 15. The judges of the Supreme Court and the judges of the Superior Court shall be ineligible to any other office or public employment than a judicial office, or employment, during the term for which they shall have been elected.

Sec. 16. Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.

Sec. 17. No person shall be eligible to the office of judge of the Supreme Court, or judge of a Superior Court, unless he shall have been admitted to practice in the courts of record of this State, or of the Territory of Washington.

Sec. 18. The judges of the Supreme Court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as shall be prescribed by law.

Sec. 19. No judge of a court of record shall practice law in any court of this State during his continuance in office.

Sec. 20. Every case submitted to a judge of a Superior Court for his decision shall be decided by him within ninety days from the submission thereof: Provided, that if within said period of

ninety days a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such a rehearing.

Sec. 21. The Legislature shall provide for the speedy publication of opinions of the Supreme Court, and all opinions shall be free for publication by any person.

Sec. 22. The judges of the Supreme Court shall appoint a clerk of that court, who shall be removable at their pleasure, but the Legislature may provide for the election of the clerk of the Supreme Court, and prescribe the term of his office. The clerk of the Supreme Court shall receive such compensation by salary only as shall be provided by law.

Sec. 23. There may be appointed in each county, by the judge of the Superior Court having jurisdiction therein, one or more court commissioners, not exceeding three in number, who shall have authority to perform like duties as a judge of the Superior Court at chambers, subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.

Sec. 24. The judges of the Superior Court shall, from time to time, establish uniform rules for the government of the Superior Courts.

Sec. 25. Superior judges shall, on or before the first day of November in each year, report in writing to the judges of the Supreme Court such defects and omissions in the laws as their experience may suggest, and the judges of the Supreme Court shall, on or before the first day of January in each year, report in writing to the Governor such defects and omissions in the laws as they may believe to exist.

Sec. 26. The county clerk shall be, by virtue of his office, clerk of the Superior Court.

Sec. 27. The style of all process shall be "The State of Washington," and all prosecutions shall be conducted in its name and by its authority.

Sec. 28. Every judge of the Supreme Court, and every judge of the Superior Court, shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the State of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the Secretary of State.



## ARTICLE V.

*Impeachment.*

Section 1. The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the Senate, and, when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence. When the Governor or Lieutenant-Governor is on trial, the chief justice of the Supreme Court shall preside. No person shall be convicted without a concurrence of two-thirds of the Senators elected.

Sec. 2. The Governor and other State and judicial officers, except judges and justices of courts not of record, shall be liable to impeachment for high crimes or misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit in the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

Sec. 3. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office in such manner as may be provided by law.

## ARTICLE VI.

*Elections and Elective Rights.*

Section 1. All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections. They shall be citizens of the United States; they shall have lived in the State one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote: Provided, that Indians not taxed shall never be allowed the elective franchise: Provided further, that all male persons who at the time of the adoption of this Constitution are qualified electors of the Territory shall be electors.

Sec. 2. The Legislature may provide that there shall be no denial of the elective franchise at any school election on account of sex.

Sec. 3. All idiots, insane persons and persons convicted of infamous crime, unless restored to their civil rights, are excluded from the elective franchise.

Sec. 4. For the purpose of voting and eligibility to office no person shall be deemed to have gained a residence by reason of his presence or lost it by reason of his absence, while in the civil or military service of the State or the United States, nor while a student at any institution of learning, nor while kept at public expense at any poor-house or other asylum, nor while confined in public prison, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas.

Sec. 5. Voters shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom. No elector shall be required to do military duty on the day of any election except in time of war or public danger.

Sec. 6. All elections shall be by ballot. The Legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.

Sec. 7. The Legislature shall enact a registration law and shall require a compliance with such law before any elector shall be allowed to vote: Provided, that this provision is not compulsory upon the Legislature, except as to cities and towns having a population of over five hundred inhabitants. In all other cases the Legislature may or may not require registration as a prerequisite to the right to vote, and the same system of registration need not be adopted for both classes.

Sec. 8. The first election of county and district officers not otherwise provided for in this Constitution shall be on the Tuesday next after the first Monday in November, 1890, and thereafter all elections for such officers shall be held biennially on the Tuesday next succeeding the first Monday in November. The first election of all State officers not otherwise provided for in this Constitution, after the election held for the adoption of this Constitution, shall be on the Tuesday next after the first Monday in November, 1892, and the elections for such State offices shall be held in every fourth year thereafter on the Tuesday succeeding the first Monday in November.

## ARTICLE VII.

### *Revenue and Taxation.*

Section 1. All property in the State, not exempt under the laws of the United States, or under this Constitution, shall be taxed in proportion to its value, to be ascertained as provided by

law. The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated ordinary expenses of the State for each fiscal year. And for the purpose of paying the State debt, if there be any, the Legislature shall provide for levying a tax annually, sufficient to pay the annual interest and principal of such debt within twenty years from the final passage of the law creating the debt.

Sec. 2. The Legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the State, according to its value in money, and shall prescribe such regulations by general law as shall secure a just valuation for taxation of all property, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property: Provided, that a deduction of debts from credits may be authorized: Provided further, that the property of the United States, and of the State, counties, school districts and other municipal corporations, and such other property as the Legislature may by general laws provide, shall be exempt from taxation.

Sec. 3. The Legislature shall provide by general law for the assessing and levying of taxes on all corporation property as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.

Sec. 4. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

Sec. 5. No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same to which only it shall be applied.

Sec. 6. All taxes levied and collected for State purposes shall be paid in money only into the State treasury.

Sec. 7. An accurate statement of the receipts and expenditures of the public moneys shall be published annually in such manner as the Legislature may provide.

Sec. 8. Whenever the expenses of any fiscal year shall exceed the income, the Legislature may provide for levying a tax for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

Sec. 9. The Legislature may vest the corporate authorities of cities, towns and villages with power to make local improve-

ments by special assessment, or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, and such taxes shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

#### ARTICLE VIII.

##### *State, County and Municipal Indebtedness.*

Section 1. The State may, to meet casual deficits or failures in revenue, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed four hundred thousand dollars (\$400,000), and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained or to repay the debts so contracted, and to no other purpose whatever.

Sec. 2. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or to defend the State in war, but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, and to no other purpose whatever.

Sec. 3. Except the debts specified in sections one and two of this article, no debts shall hereafter be contracted by, or on behalf of this State, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

Sec. 4. No moneys shall ever be paid out of the treasury of this State, or any of its funds or any of the funds under its

management, except in pursuance of an appropriation by law; nor unless such payment be made within two years from the first day of May next after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

Sec. 5. The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association, company or corporation.

Sec. 6. No county, city, town, school district or other municipal corporation, shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such county, city, town, school district or other municipal corporation, without the assent of three-fifths of the voters therein, voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county purposes previous to the incurring of such indebtedness; except that in incorporated cities the assessment shall be taken from the last assessment for city purposes: Provided, that no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district or other municipal purposes: Provided further, that any city or town, with such assent may be allowed to become indebted to a larger amount, but not exceeding five per centum additional, for supplying such city or town with water, artificial light and sewers, when the works for supplying such water, light and sewers shall be owned and controlled by the municipality.

Sec. 7. No county, city, town or other municipal corporation shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation.

## ARTICLE IX.

*Education.*

Section 1. It is the paramount duty of the State to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste or sex.

Sec. 2. The Legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools and technical schools as may hereafter be established. But the entire revenue derived from the common school fund, and the State tax for common schools, shall be exclusively applied to the support of the common schools.

Sec. 3. The principal of the common school fund shall remain permanent and irreducible. The said fund shall be derived from the following named sources, to wit: Appropriations and donations by the State to this fund; donations and bequests by individuals to the State or public for common schools; the proceeds of lands and other property which revert to the State by escheat and forfeiture; the proceeds of all property granted to the State, when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the State for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, minerals or other property from school and State lands, other than those granted for specific purposes; all moneys received from persons appropriating timber, stone, minerals or other property from school and State lands, other than those granted for specific purposes, and all moneys other than rental, recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the State, which shall be sold by the United States subsequent to the admission of the State into the Union as approved by section 13 of the act of Congress enabling the admission of the State into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be granted to the State for the support of common schools. The Legislature may make further provisions for enlarging said fund. The interest accruing on said fund together with all rentals and other revenues derived therefrom and from lands and other property devoted to the common school

fund, shall be exclusively applied to the current use of the common schools.

Sec. 4. All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.

Sec. 5. All losses to the permanent common school or any other State educational fund, which shall be occasioned by defalcation, mismanagement or fraud of the agents or officers controlling or managing the same, shall be audited by the proper authorities of the State. The amount so audited shall be a permanent funded debt against the State in favor of the particular fund sustaining such loss, upon which not less than six per cent. annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized and limited elsewhere in this Constitution.

#### ARTICLE X.

##### *Militia.*

Section 1. All able bodied male citizens of this State between the ages of eighteen (18) and forty-five (45) years, except such as are exempted by laws of the United States or by laws of this State, shall be liable to military duty.

Sec. 2. The Legislature shall provide by law for organizing and disciplining the militia in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections and repel invasions.

Sec. 3. The Legislature shall provide by law for the maintenance of a soldiers' home for honorably discharged Union soldiers, sailors, marines and members of the State militia disabled while in the line of duty and who are bona fide citizens of the State.

Sec. 4. The Legislature shall provide by law for the protection and safe keeping of the public arms.

Sec. 5. The militia shall, in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters and elections of officers, and in going to and returning from the same.

Sec. 6. No person or persons having conscientious scruples against bearing arms shall be compelled to do militia duty in time of peace: Provided, Such person or persons shall pay an equivalent for such exemption.

#### ARTICLE XI.

##### *County, City and Township Organization.*

Section 1. The several counties of the territory of Washington existing at the time of the adoption of this Constitution are hereby recognized as legal subdivisions of this State.

Sec. 2. No county seat shall be removed unless three-fifths of the qualified electors of the county voting on the proposition at the general election shall vote in favor of such removal, and three-fifths of all the votes cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years.

Sec. 3. No new county shall be established which shall reduce any county to a population less than four thousand (4,000), nor shall a new county be formed containing less population than two thousand (2,000). There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition therefor, and then only under such other conditions as may be prescribed by a general law applicable to the whole State. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken: Provided, That in such accounting neither county shall be charged with the debt or liabilities then existing incurred in the purchase of any county property or in the purchase or construction of any county buildings then in use or under construction which shall fall within and be retained by the county: Provided further, That this shall not be construed to affect the rights of creditors.

Sec. 4. The Legislature shall establish a system of county government which shall be uniform throughout the State and by general laws shall provide for township organization under which any county may organize whenever a majority of the qualified electors of such county voting at the general election shall so determine, and whenever a county shall adopt township



organization the assessments and collection of the revenue shall be made, and the business of such county, and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general law.

Sec. 5. The Legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys, and other county, township or precinct, and district officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them, and for all public moneys which may be paid to them, or officially come into their possession.

Sec. 6. The board of county commissioners in each county shall fill all vacancies occurring in any county, township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election, and until their successors are elected and qualified.

Sec. 7. No county officer shall be eligible to hold his office more than two terms in succession.

Sec. 8. The Legislature shall fix the compensation by salaries of all county officers, and of constables in cities having a population of 5,000 and upwards; except that public administrators, surveyors and coroners may or may not be salaried officers. The salary of any county, city, town or municipal officer shall not be increased or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

Sec. 9. No county, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatever.

Sec. 10. Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization and classification in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore

organized or incorporated, may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, shall be subject to, and controlled by general laws. Any city containing a population of twenty thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, and for such purpose the legislative authority of such city may cause an election to be had, at which election there shall be chosen by the qualified electors of said city fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election and qualified electors, whose duty it shall be to convene within ten days after their election and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in two daily newspapers published in said city, for at least thirty days prior to the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given for at least ten days before the day of election, in all election districts of said city. Said elections may be general or special elections, and, except as herein provided, shall be governed by the law regulating and controlling general or special elections in said city. Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission, published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter, or amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Sec. 11. Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.

Sec. 12. The Legislature shall have no power to impose taxes upon counties, cities, towns or other municipal corporations, or upon the inhabitants or property thereof, for county, city, town or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

Sec. 13. Private property shall not be taken or sold for the payment of the corporate debt of any public or municipal corporation, except in the mode provided by law for the levy and collection of taxes.

Sec. 14. The making of profit out of county, city, town or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

Sec. 15. All moneys, assessments and taxes belonging to or collected for the use of any county, city, town or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the treasurer, or other legal depository, to the credit of such city, town or other corporation respectively, for the benefit of the funds to which they belong.

## ARTICLE XII.

### *Corporations other than Municipal.*

Section 1. Corporations may be formed under general laws, but shall not be created by special acts. All laws relating to corporations may be altered, amended or repealed by the Legislature at any time, and all corporations doing business in this State may, as to such business, be regulated, limited or restrained by law.

Sec. 2. All existing charters, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Sec. 3. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this State.

Sec. 4. Each stockholder in all incorporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock and no more, and one or more of the stockholders may be joined as parties defendant in suits to recover upon this liability.

Sec. 5. The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

Sec. 6. Corporations shall not issue stock, except to bona fide subscribers therefor, or their assignee; nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law authorize the increase of stock, without the consent of the person or persons holding the larger amount in value of the stock, nor without due notice of the proposed increase having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

Sec. 7. No corporation organized outside the limits of this State shall be allowed to transact business within the State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State.

Sec. 8. No corporation shall lease or alienate any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in operation, use or enjoyment of such franchise or any of its privileges.

Sec. 9. The State shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association or corporation.

Sec. 10. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals.

Sec. 11. No corporation, association or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint-stock association shall be individually and personally liable equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation or association accruing while they remain such stockholders to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Sec. 12. Any president, director, manager, cashier, or other officer of any banking institution who shall receive or assent to the reception of deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances, shall be individually responsible for such deposits so received.

Sec. 13. All railroad, canal and other transportation companies are declared to be common carriers and subject to legislative control. Any association or corporation organized for the purpose, under the laws of this State, shall have the right to connect at the State line with railroads of other States. Every railroad company shall have the right with its road, whether the same be now constructed or may hereafter be constructed, to intersect, cross or connect with any other railroad, and when such railroads are of the same or similar gauge they shall at all crossings, and at all points where a railroad shall begin or terminate at or near any other railroad, form proper connections so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the other's passengers, tonnage and cars without delay or discrimination.

Sec. 14. No railroad company, or other common carrier, shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

Sec. 15. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within the State, or coming from or going to any other State. Persons

and property transported over any railroad, or by any other transportation company, or individual, shall be delivered at any station, landing or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.

Sec. 16. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a competing line.

Sec. 17. The rolling stock and other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to taxation and to execution and sale in the same manner as the personal property of individuals, and such property shall not be exempted from execution and sale.

Sec. 18. The Legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and to correct abuses and to prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the State, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established, and its powers and duties fully defined by law.

Sec. 19. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this State, and said companies shall receive and transmit each other's messages without delay or discrimination and all of such companies are hereby declared to be common carriers and subject to legislative control. Railroad corporations organized or doing business in this State shall allow telegraph and telephone corporations and companies to construct and maintain telegraph lines on and along the rights-of-way of such railroads and railroad companies, and no railroad corporation organized or doing business in this State shall allow any telegraph corporation or company any facilities, privileges or rates for transportation of men or material or for repairing their lines not allowed to all telegraph companies. The right of eminent domain is hereby extended to all telegraph and telephone companies. The

Legislature shall, by general law of uniform operation, provide reasonable regulations to give effect to this section.

Sec. 20. No railroad or other transportation company shall grant free passes or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature, or to any person holding any public office within this State. The Legislature shall pass laws to carry this provision into effect.

Sec. 21. Railroad companies now or hereafter organized or doing business in this State shall allow all express companies organized or doing business in this State, transportation over all lines of railroad owned or operated by such railroad companies upon equal terms with any other express company, and no railroad corporation organized or doing business in this State shall allow any express corporation or company any facilities, privileges or rates for transportation of men or materials or property carried by them or for doing the business of such express companies not allowed to all express companies.

Sec. 22. Monopolies and trusts shall never be allowed in this State, and no incorporated company, copartnership or association of persons in this State shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders, or the trustees or assignees of such stockholders, or with any copartnership or association of persons, or in any manner whatever for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The Legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their franchises.

### ARTICLE XIII.

#### *State Institutions.*

Section 1. Educational, reformatory and penal institutions; those for the benefit of blind, deaf, dumb or otherwise defective youth; for the insane or idiotic; and such other institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be provided by law. The regents, trustees or commissioners of all such institutions existing at the time of the adoption of this Constitution, and of such as shall thereafter be established by law, shall be appointed by the Governor, by and with the advice and consent of the Sen-

ate; and upon all nominations made by the Governor, the question shall be taken by the ayes and noes, and entered upon the journal.

#### ARTICLE XIV.

##### *Seat of Government.*

Section 1. The Legislature shall have no power to change, or to locate the seat of government of this State; but the question of the permanent location of the seat of government of the State shall be submitted to the qualified electors of the territory at the election to be held for the adoption of this Constitution. A majority of all the votes cast at said election, upon said question shall be necessary to determine the permanent location of the seat of government for the State; and no place shall ever be the seat of government which shall not receive a majority of the votes cast on that matter. In case there shall be no choice of location at said first election, the Legislature shall, at its first regular session after the adoption of this Constitution, provide for submitting to the qualified electors of the State, at the next succeeding general election thereafter, the question of choice of location between the three places for which the highest number of votes shall have been cast at the said first election. Said Legislature shall provide, further, that in case there shall be no choice of location at said second election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the State at the next ensuing general election: Provided, that until the seat of government shall have been permanently located as herein provided, the temporary location shall remain at the city of Olympia.

Sec. 2. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed except by a vote of two-thirds of all the qualified electors of the State voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the Legislature.

Sec. 3. The Legislature shall make no appropriations or expenditures for capitol buildings or grounds, except to keep the territorial capitol buildings and grounds in repair, and for making all necessary additions thereto, until the seat of government shall have been permanently located, and the public buildings are erected at the permanent capital in pursuance of law.



## ARTICLE XV.

*Harbors and Tide Waters.*

Section 1. The Legislature shall provide for the appointment of a commission, whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this State, wherever such navigable waters lie within or in front of the corporate limits of any city or within one mile thereof upon either side. The State shall never give, sell or lease to any private person, corporation or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than fifty feet nor more than six hundred feet of such harbor line (as the commission shall determine) be sold or granted by the State, nor its rights to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.

Sec. 2. The Legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks and other structures, upon the areas mentioned in section 1 of this article, but no lease shall be made for any term longer than thirty years, or the Legislature may provide by general laws for the building and maintaining upon such area wharves, docks and other structures.

Sec. 3. Municipal corporations shall have the right to extend their streets over intervening tide lands to and across the area reserved as herein provided.

## ARTICLE XVI.

*School and Granted Lands.*

Section 1. All the public lands granted to the State are held in trust for all the people, and none of such lands nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interests disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the State; nor shall any lands which the State holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States.

Sec. 2. None of the lands granted to the State for educational purposes shall be sold otherwise than at public auction to the highest bidder; the value thereof, less the improvements, shall, before any sale, be appraised by a board of appraisers, to be provided by law. The terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land. In estimating the value of such lands for disposal, the value of improvements thereon shall be excluded: Provided, that the sale of all school and university lands heretofore made by the commissioners of any county or the university commissioners, when the purchase-price has been paid in good faith, may be confirmed by the Legislature.

Sec. 3. No more than one-fourth of the land granted to the State for educational purposes shall be sold prior to January 1, 1895, and not more than one-half prior to January 1, 1905: Provided, that nothing herein shall be so construed as to prevent the State from selling the timber or stone off of any of the State lands in such manner and on such terms as may be prescribed by law: And, provided further, that no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the State.

Sec. 4. No more than one hundred and sixty (160) acres of any granted lands of the State shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or within two miles of the boundary of any incorporated city, where the valuation of such lands shall be found by appraisement to exceed one hundred dollars (\$100) per acre shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.

Sec. 5. None of the permanent school fund shall ever be loaned to private persons or corporations, but it may be invested in national, State, county or municipal bonds.

## ARTICLE XVII

### *Tide Lands.*

Section 1. The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State up to and including the line of ordinary high tide in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes: Pro-

vided, that this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the State.

Sec. 2. The State of Washington disclaims all title in and claim to all tide, swamp and overflowed lands, patented by the United States: Provided, the same is not impeached for fraud.

### ARTICLE XVIII.

#### *State Seal.*

Section 1. The seal of the State of Washington shall be a seal encircled with the words: "The Seal of the State of Washington," with the vignette of General George Washington as the central figure, and beneath the vignette the figures "1889."

### ARTICLE XIX.

#### *Exemptions.*

Section 1. The Legislature shall protect by law from forced sale a certain portion of the homesteads and other property of all heads of families.

### ARTICLE XX.

#### *Public Health and Vital Statistics.*

Section 1. There shall be established by law a State Board of Health and a Bureau of Vital Statistics in connection therewith, with such powers as the Legislature may direct.

Sec. 2. The Legislature shall enact laws to regulate the practice of medicine and surgery, and the sale of drugs and medicines.

### ARTICLE XXI.

#### *Water and Water Rights.*

Section 1. The use of the waters of this State for irrigation, mining and manufacturing purposes shall be deemed a public use.

### ARTICLE XXII.

#### *Legislative Apportionment.*

Section 1. Until otherwise provided by law, the State shall be divided into twenty-four (24) senatorial districts, and said districts shall be constituted and numbered as follows: The counties of Stevens and Spokane shall constitute the first district, and be entitled to one Senator; the county of Spokane shall constitute the second district, and be entitled to three Senators; the county

of Lincoln shall constitute the third district, and be entitled to one Senator; the counties of Okanogan, Lincoln, Adams and Franklin shall constitute the fourth district, and be entitled to one Senator; the county of Whitman shall constitute the fifth district, and be entitled to three Senators; the counties of Garfield and Asotin shall constitute the sixth district, and be entitled to one Senator; the county of Columbia shall constitute the seventh district, and be entitled to one Senator; the county of Walla Walla shall constitute the eighth district, and be entitled to two Senators; the counties of Yakima and Douglas shall constitute the ninth district, and be entitled to one Senator; the county of Kittitas shall constitute the tenth district, and be entitled to one Senator; the counties of Klickitat and Skamania shall constitute the eleventh district, and be entitled to one Senator; the county of Clarke shall constitute the twelfth district, and be entitled to one Senator; the county of Cowlitz shall constitute the thirteenth district, and be entitled to one Senator; the county of Lewis shall constitute the fourteenth district, and be entitled to one Senator; the counties of Pacific and Wahkiakum shall constitute the fifteenth district, and be entitled to one Senator; the county of Thurston shall constitute the sixteenth district, and be entitled to one Senator; the county of Chehalis shall constitute the seventeenth district, and be entitled to one Senator; the county of Pierce shall constitute the eighteenth district, and be entitled to three Senators; the county of King shall constitute the nineteenth district, and be entitled to five Senators; the counties of Mason and Kitsap shall constitute the twentieth district, and be entitled to one Senator; the counties of Jefferson, Clallam and San Juan shall constitute the twenty-first district, and be entitled to one Senator; the county of Snohomish shall constitute the twenty-second district, and shall be entitled to one Senator; the counties of Skagit and Island shall constitute the twenty-third district, and be entitled to one Senator; the county of Whatcom shall constitute the twenty-fourth district, and be entitled to one Senator.

Sec. 2. Until otherwise provided by law the Representatives shall be divided among the several counties of the State in the following manner: The county of Adams shall have one Representative; the county of Asotin shall have one Representative; the county of Chehalis shall have two Representatives; the county of Clarke shall have three Representatives; the county of Clallam

shall have one Representative; the county of Columbia shall have two Representatives; the county of Cowlitz shall have one Representative; the county of Douglas shall have one Representative; the county of Franklin shall have one Representative; the county of Garfield shall have one Representative; the county of Island shall have one Representative; the county of Jefferson shall have two Representatives; the county of King shall have eight Representatives; the county of Klickitat shall have two Representatives; the county of Kittitas shall have two Representatives; the county of Kitsap shall have one Representative; the county of Lewis shall have two Representatives; the county of Lincoln shall have two Representatives; the county of Mason shall have one Representative; the county of Okanogan shall have one Representative; the county of Pacific shall have one Representative; the county of Pierce shall have six Representatives; the county of San Juan shall have one Representative; the county of Skamania shall have one Representative; the county of Snohomish shall have two Representatives; the county of Skagit shall have two Representatives; the county of Spokane shall have six Representatives; the county of Stevens shall have one Representative; the county of Thurston shall have two Representatives; the county of Walla Walla shall have three Representatives; the county of Wahkiakum shall have one Representative; the county of Whatcom shall have two Representatives; the county of Whitman shall have five Representatives; the county of Yakima shall have one Representative.

#### ARTICLE XXIII.

##### *Amendments.*

Section 1. Any amendment or amendments to this Constitution may be proposed in either branch of the Legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the State for their approval, at the next general election; and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the Governor: Provided, that if more than one amendment be submitted, they shall be submitted

in such a manner that the people may vote for or against such amendments separately. The Legislature shall also cause the amendments that are to be submitted to the people to be published for at least three months next preceding the election, in some weekly newspaper, in every county where a newspaper is published throughout the State.

Sec. 2. Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to call a convention to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the Legislature shall at the next session, provide by law for calling the same; and such convention shall consist of a number of members not less than that of the most numerous branch of the Legislature.

Sec. 3. Any Constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

#### ARTICLE XXIV.

##### *Boundaries.*

Section 1. The boundaries of the State of Washington shall be as follows: Beginning at a point in the Pacific ocean one marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia river, thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river, near the mouth of the Walla Walla river; thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake river; thence follow down the middle of the main channel of Snake river to a point opposite the mouth of the Kooskooskia or Clear Water river; thence due north to the forty-ninth parallel of north latitude; thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's Island from the continent, that is to say, to a point in longitude 123 degrees, nineteen minutes and fifteen seconds west; thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's Island from the continent to the termination of the boundary line between the United States

and British possessions at a point in the Pacific ocean equidistant between Bonilla Point on Vancouver's Island and Tatoosh Island lighthouse; thence running in a southerly course and parallel with the coast line, keeping one marine league off shore to place of beginning.

#### ARTICLE XXV.

##### *Jurisdiction.*

Section 1. The consent of the State of Washington is hereby given to the exercise, by the Congress of the United States, of exclusive legislation in all cases whatsoever over such tracts or parcels of land as are now held or reserved by the government of the United States for the purpose of erecting or maintaining thereon forts, magazines, arsenals, dockyards, lighthouses and other needful buildings, in accordance with the provisions of the seventeenth paragraph of the eighth section of the first article of the Constitution of the United States, so long as the same shall be so held and reserved by the United States: Provided, that a sufficient description of metes and bounds, and an accurate plat or map of each such tract or parcel of land be filed in the proper office of record in the county in which the same is situated, together with copies of the orders, deeds, patents or other evidences in writing of the title of the United States: And, provided, that all civil process issued from the courts of this State, and such criminal process as may issue under the authority of this State against any person charged with crime in cases arising outside of such reservations, may be served and executed thereon in the same mode and manner, and by the same officers, as if the consent herein given had not been made.

#### ARTICLE XXVI.

##### *Compact with the United States.*

The following ordinance shall be irrevocable without the consent of the United States and the people of this State:

First—That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

Second—That the people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of this State,

and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States and that the lands belonging to citizens of the United States residing without the limits of this State shall never be taxed at a higher rate than the lands belonging to residents thereof; and that no taxes shall be imposed by the State on lands or property therein, belonging to or which may be hereafter purchased by the United States or reserved for use: Provided, that nothing in this ordinance shall preclude the State from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such an extent as such act of Congress may prescribe.

Third — The debts and liabilities of the Territory of Washington, and payment of the same, are hereby assumed by this State.

Fourth — Provision shall be made for the establishment and maintenance of systems of public schools free from sectarian control which shall be open to all the children of said State.

#### ARTICLE XXVII.

##### *Schedule.*

In order that no inconvenience may arise by reason of a change from a territorial to a State government, it is hereby declared and ordained as follows:

Section 1. No existing rights, actions, suits, proceedings, contracts or claims shall be affected by a change in the form of government, but all shall continue as if no such change had taken place; and all process which may have been issued under the authority of the Territory of Washington previous to its admission into the Union shall be as valid as if issued in the name of the State.

Sec. 2. All laws now in force in the Territory of Washington, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or are altered or



repealed by the Legislature: Provided, that this section shall not be so construed as to validate any act of the Legislature of Washington Territory granting shore or tide lands to any person, company or any municipal or private corporation.

Sec. 3. All debts, fines, penalties and forfeitures, which have accrued, or may hereafter accrue, to the Territory of Washington, shall inure to the State of Washington.

Sec. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a State government shall remain valid, and shall pass to and may be prosecuted in the name of the State; and all bonds executed to the Territory of Washington or to any county or municipal corporation, or to any officer or court in his or its official capacity, shall pass to the State authorities and their successors in office, for the uses therein expressed, and may be sued for and recovered accordingly, and all the estate, real, personal and mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims or debts, of whatever description, belonging to the Territory of Washington, shall inure to and vest in the State of Washington, and may be sued for and recovered in the same manner, and to the same extent, by the State of Washington, as the same could have been by the Territory of Washington.

Sec. 5. All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a territorial to a State government, and which shall then be pending, shall be prosecuted to judgment, and execution in the name of the State. All offenses committed against the laws of the Territory of Washington, before the change from a territorial to a State government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Washington, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the Territory of Washington, at the time of the change from a territorial to a State government, shall be continued, and transferred to the court of the State having jurisdiction of the subject-matter thereof.

Sec. 6. All officers now holding their office under the authority of the United States, or of the Territory of Washington, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the State.

**Sec. 7.** All officers provided for in this Constitution, including a county clerk for each county, when no other time is fixed for their election, shall be elected at the election to be held for the adoption of this Constitution on the first Tuesday of October, 1889.

**Sec. 8.** Whenever the judge of the Superior Court of any county, elected or appointed under the provisions of this Constitution shall have qualified, the several causes then pending in the District Court of the Territory, except such causes as would have been within the exclusive jurisdiction of the United States District Court had such court existed at the time of the commencement of such causes within such county, and the records, papers and proceedings of said District Court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Superior Court for such county. And where the same judge is elected for two or more counties it shall be the duty of the clerk of the District Court having custody of such papers and records to transmit to the clerk of such county or counties, other than that in which such records are kept, the original papers in all cases pending in such District Court, and belonging to the jurisdiction of such county or counties, together with transcript of so much of the records of said District Court as relate to the same; and until the District Courts of the Territory shall be superseded in manner aforesaid, the said District Courts and the judges thereof, shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts, respectively, as heretofore constituted under the laws of the Territory. Whenever a quorum of the judges of the Supreme Court of the State shall have been elected and qualified, the causes then pending in the Supreme Court of the Territory, except such causes as would have been within the exclusive jurisdiction of the United States Circuit Court had such court existed at the time of the commencement of such causes, and the papers, records and proceedings of said court and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Supreme Court of the State, and until so superseded, the Supreme Court of the Territory and the judges thereof, shall continue with like powers and jurisdiction as if this Constitution had not been adopted.

**Sec. 9.** Until otherwise provided by law, the seal now in use in the Supreme Court of the Territory shall be the seal of the

Supreme Court of the State. The seals of the Superior Courts of the several counties of the State shall be, until otherwise provided by law, the vignette of General George Washington with the words, "Seal of the Superior Court of ——— County," surrounding the vignette. The seal of municipalities and of all county officers of the Territory shall be the seals of such municipalities, and county officers, respectively under the State, until otherwise provided by law.

Sec. 10. When the State is admitted into the Union, and the Superior Courts in the respective counties organized, the books, records, papers and proceedings of the Probate Court in each county, and all causes and matters of administration pending therein, shall, upon the expiration of the term of office of the probate judges, on the second Monday in January, 1891, pass into the jurisdiction and possession of the Superior Court of the same county created by this Constitution, and the said court shall proceed to final judgment or decree, order or other determination in the several matters and causes, as the Territorial Probate Court might have done if this Constitution had not been adopted. And until the expiration of the term of office of the probate judges, such probate judges shall perform the duties now imposed upon them by the laws of the Territory. The Superior Court shall have appellate and revisory jurisdiction over the decisions of the Probate Courts, as now provided by law, until such latter courts expire by limitation.

Sec. 11. The Legislature, at its first session, shall provide for the election of all officers whose election is not provided for elsewhere in this Constitution, and fix the time for the commencement and duration of their term.

Sec. 12. In case of a contest of election between candidates, at the first general election under this Constitution, for judges of the Superior Courts, the evidence shall be taken in the manner prescribed by the territorial laws, and the testimony so taken shall be certified to the Secretary of State, and said officer, together with the Governor and Treasurer of State, shall review the evidence and determine who is entitled to the certificate of election.

Sec. 13. One Representative in the Congress of the United States shall be elected from the State at large, at the first election provided for in this Constitution; and thereafter at such

times and places, and in such manner, as may be prescribed by law. When a new apportionment shall be made by Congress the Legislature shall divide the State into congressional districts, in accordance with such apportionment. The vote cast for Representative in Congress, at the first election, shall be canvassed, and the result determined in the manner provided for by the laws of the Territory for the canvass of the vote for Delegate in Congress.

Sec. 14. All district, county and precinct officers, who may be in office at the time of the adoption of this Constitution, and the county clerk of each county elected at the first election, shall hold their respective offices until the second Monday of January, A. D. 1891, and until such time as their successors may be elected and qualified, in accordance with the provisions of this Constitution; and the official bonds of all such officers shall continue in full force and effect as though this Constitution had not been adopted. And such officers shall continue to receive the compensation now provided, until the same be changed by law.

Sec. 15. The election held at the time of the adoption of this Constitution shall be held and conducted in all respects according to the laws of the Territory and the votes cast at said election for all officers (where no other provisions are made in this Constitution), and for the adoption of this Constitution, and the several separate articles and the location of the State capital, shall be canvassed and returned in the several counties in the manner provided by territorial law, and shall be returned to the Secretary of the Territory in the manner provided by the enabling act.

Sec. 16. The provisions of this Constitution shall be in force from the day on which the President of the United States shall issue his proclamation declaring the State of Washington admitted into the Union, and the terms of all officers elected at the first election under the provisions of this Constitution shall commence on the Monday next succeeding the issue of said proclamation, unless otherwise provided herein.

Sec. 17. The following separate articles shall be submitted to the people for adoption or rejection at the election for the adoption of this Constitution:

Separate Article No. 1 — "All persons, male and female, of the age of twenty-one years or over, possessing the other qualifica-

tions, provided by this Constitution, shall be entitled to vote at all elections."

Separate Article No. 2—"It shall not be lawful for any individual, company or corporation, within the limits of this State, to manufacture, or cause to be manufactured, or to sell, or offer for sale, or in any manner dispose of any alcoholic, malt or spirituous liquors, except for medicinal, sacramental or scientific purposes."

If a majority of the ballots cast at said election on said separate articles be in favor of the adoption of either of said separate articles, then such separate article so receiving a majority shall become a part of this Constitution and shall govern and control any provision of the Constitution in conflict therewith.

Sec. 18. The form of ballot to be used in voting for or against this Constitution, or for or against the separate articles, or for the permanent location of the seat of government, shall be:

1. For the Constitution.....  
Against the Constitution.....
2. For Woman Suffrage Article.....  
Against Woman Suffrage Article.....
3. For Prohibition Article.....  
Against Prohibition Article.....
4. For the permanent location of the seat of government.  
(Name of place voted for.)

Sec. 19. The Legislature is hereby authorized to appropriate from the State treasury sufficient money to pay any of the expenses of this convention not provided for by the enabling act of Congress.

#### CERTIFICATE.

We, the undersigned, members of the convention to form a Constitution for the State of Washington, which is to be submitted to the people for their adoption or rejection, do hereby declare this to be the Constitution formed by us, and in testimony thereof, do hereunto set our hands, this twenty-second day of August, Anno Domini, one thousand eight hundred and eighty-nine.

JOHN P. HOYT, President.

Attest: JNO. I. BOOGE, Chief Clerk.

FRANCIS HENRY,  
J. J. BROWNE,  
GEORGE COMEGYS,

N. G. BLALOCK,  
OLIVER H. JOY,  
JOHN F. GOWEY,  
DAVID E. DURIE,  
FRANK M. DALLAM,  
D. BUCHANAN,  
JAMES Z. MOORE,  
JOHN R. KINNEAR,  
E. H. SULLIVAN,  
GEORGE W. TIBBETTS,  
GEORGE TURNER,  
H. W. FAIRWEATHER,  
AUSTIN MIRES,  
THOMAS C. GRIFFITTS,  
M. M. GODMAN,  
C. H. WARNER,  
GWIN HICKS,  
J. P. T. M'CROSKEY,  
WM. F. PROSSER,  
S. G. COSGROVE,  
LOUIS SOHNS,  
THOMAS HAYTON,  
A. A. LINDSLEY,  
SAMUEL H. BERRY,  
J. J. WEISENBURGER,  
D. J. CROWLEY,  
P. C. SULLIVAN,  
J. T. M'DONALD,  
R. S. MORE,  
JOHN M. REED,  
THOMAS T. MINOR,  
RICHARD JEFFS,  
EDWARD ELDRIDGE,  
J. J. TRAVIS,  
GEO. H. STEVENSON,  
ARNOLD J. WEST,  
SILVIUS A. DICKEY,  
CHARLES T. FAY,  
HENRY WINSOR,  
CHARLES P. COEY,

THEODORE L. STILES,  
ROB'T F. STURDEVANT,  
JAMES A. BURK,  
JOHN A. SHOUDY,  
JOHN M'REAVY,  
ALLEN WEIR,  
R. O. DUNBAR,  
W. B. GRAY,  
MORGAN MORGANS,  
TRUSTEN P. DYER,  
JAS. POWER,  
GEO. H. JONES,  
B. B. GLASCOCK,  
B. L. SHARPSTEIN,  
O. A. BOWEN,  
H. M. LILLIS,  
HARRISON CLOTHIER,  
J. F. VAN NAME,  
MATT J. M'ELROY,  
ALBERT SCHOOLEY,  
H. F. SUKSDORF.  
H. C. WILLISON,  
ROBERT JAMIESON,  
T. M. REED,  
HIRAM E. ALLEN,  
S. H. MANLY,  
H. F. SUKSDORF.





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CONSTITUTION  
OF THE  
STATE OF WEST VIRGINIA.

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65:

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CONSTITUTION  
OF THE  
STATE OF WEST VIRGINIA.

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# CONSTITUTION OF THE STATE OF WEST VIRGINIA.

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## Article

1. Relation to the government of the United States.
2. The State.
3. Bill of rights.
4. Election of officers.
5. Division of powers.
6. Legislature.
7. Executive department.
8. Judiciary department.
9. County organization.
10. Taxation and finance.
11. Corporations.
12. Education.
13. Land titles.
14. Amendments.—How may be made.

## ARTICLE I.

*Relations to the Government of the United States.*

## Section

1. The State of West Virginia inseparable from the Union.
2. The State has exclusive right of internal government.
3. The provisions of the Constitution of the United States and this State are operative alike in war as well as peace.
4. The State shall be divided into Congressional districts.

## ARTICLE II.

*The State.*

1. Enumeration of counties.
2. Powers of government in the citizens.
3. Requirements for citizenship.
4. Every citizen entitled to equal representation in the government.
5. No distinction between resident aliens and citizens.
6. Treason against the State defined.
7. The seal of State.

## Section

8. Rich grants and commissions, shall run in the name of the State.

## ARTICLE III.

*Bill of Rights.*

1. All men are by nature equally free and have certain inherent rights.
2. All power vested in the people.
3. The government is instituted for the common benefit of the people.
4. Writ of habeas corpus shall not be suspended.—No ex post facto law.
5. Excessive bail nor excessive fines nor cruel punishment shall be permitted, nor be put twice in jeopardy of life.
6. Security against unreasonable searches and seizures.
7. Freedom of speech and of the press.
8. In suits for libel the truth may be given in evidence.
9. Private property taken for public use shall have just compensation.
10. No person shall be deprived of life, liberty or property without due process of law.
11. No religious or political test shall be required for voting.
12. No standing armies.—Military subordinate to civil power.—Quartering of soldiers in houses.
13. Right of trial by jury.
14. In criminal trials the accused shall be informed of the character of his accusation.
15. Freedom of religious thought and worship.
16. The people have the right to assemble in a peaceable man-

## Section

- Appeals and Circuit Courts, etc.
2. The Supreme Court of Appeals to consist of four judges.—Their term of office.
  3. Shall have original jurisdiction in certain cases enumerated.
  4. In regard to decisions of the Supreme Court of Appeals.
  5. In regard to the affirmation or reversal of a decision by the Supreme Court of Appeals.
  6. A writ of error, supersedeas or appeals, shall be allowed only by the Supreme Court of Appeals.
  7. In case of vacancy in Supreme Court of Appeals how filled.
  8. The officers of the Supreme Court of Appeals, how appointed.
  9. At least two terms to be held annually.
  10. The State shall be divided into thirteen sections.
  11. A court to be held in every county at least three times in each year.
  12. The Circuit Court, supervision and control of the same.
  13. Enumeration of the Circuits.
  14. They may be rearranged.
  15. The Legislature shall provide by law for holding regular and Special Terms of the Circuit Court.
  16. All judges shall be commissioned by the Governor.
  17. They may be removed.
  18. Clerk of the Circuit Court.—His duties and compensation.
  19. Courts of limited jurisdiction.
  20. In regard to the property of soldiers of the late war of either side.
  21. The laws of the State which are in force and not repugnant to this article shall continue, etc.
  22. There shall be in each county of the State a County Court.
  23. Commissioners of the same to

## Section

- be elected for a term of office, etc.
24. County Court to have custody of all deeds, etc.
  25. In regard to actions, suits, etc., not embraced in the next preceding section.
  26. Clerk of the County Court.—His term of office, duties and compensation.
  27. Justices of the peace.
  28. Their jurisdiction and authority.
  29. The County Court may be altered or modified.
  30. The office of commissioner and justice of the peace not compatible.

## ARTICLE IX.

*County Organization.*

1. The voters of each county shall elect a surveyor of lands.
2. Also a constable, and if the population exceeds 1,200, others.
3. The same person shall not be elected sheriff for two successive terms.
4. County Court officers shall be subject to indictment.
5. The Legislature shall provide for commissioning such of the officers herein mentioned as it may deem proper.
6. It shall further provide for the compensation, duties, etc., of the same.
7. Conservators of the peace.
8. No new county to be formed with an area of less than 400 square miles, or a population of less than 6,000.

## ARTICLE X.

*Taxation and Finance.*

1. Taxation shall be equal and uniform.
2. An annual capitation tax of one dollar.
3. No money to be drawn from the Treasury but by appropriation.

Section

4. No debt to be contracted by the State, etc.
5. The power of taxation by the Legislature.
6. The credit of the State not to be granted to any of its subdivisions.
7. County taxes not to exceed for one year ninety-five cents on one hundred dollars.
8. The limit of indebtedness in county, city, etc.
9. Certain corporate bodies may be authorized to assess and collect taxes.

ARTICLE XI.

*Corporations.*

1. Legislature to provide for the organization of.
2. What stockholders shall be liable for the indebtedness of corporations.
3. All existing charters or grants under which organization shall not have taken place within two years from the time this Constitution takes effect, shall be invalid.
4. Law to provide for the election of directors or managers of incorporated companies.—Stockholders shall have the right to vote in person or by proxy.
5. Street railroads may not be constructed in any city, town or incorporated village without the consent of the local authorities.
6. A general banking law for the creation and organization of banks.
7. Every railroad corporation doing business in the State shall make a report to the Auditor of public accounts.
8. The rolling stock and moveable property of railroads shall be considered personal property.
9. Railroads are public highways.
10. In regard to the establishment of stations.

Section

11. Parallel or competing lines may not consolidate.
12. The right of eminent domain not to be abridged.

ARTICLE XII.

*Education.*

1. The Legislature shall provide by general law for a system of free schools.
2. The State Superintendent.—His duties.
3. The Legislature may provide for county superintendents and other officers.—Their duties and powers and compensation.
4. School fund.
5. Interest of the school fund to be used for the support of free schools.
6. The school districts into which any county is now divided shall continue until changed by law.
7. In regard to levies for the support of free schools.
8. White and colored persons shall not be taught in the same schools.
9. No person connected with the free school system of the State shall be interested in the sale of books, etc., used therein.
10. No independent free school district shall hereafter be created, except.
11. No appropriations shall hereafter be made to any State Normal school except those already established.
12. The Legislature shall encourage moral, intellectual, scientific and agricultural improvement.

ARTICLE XIII.

*Land Titles.*

1. All private rights in lands in this State derived from the

## Section

- laws of the State of Virginia shall remain valid.
2. No entry by warrant on land in this State shall hereafter be made.
  3. In regard to title of forfeited lands.
  4. Waste and unappropriated land in this State to be sold to the highest bidder.
  5. The former owner of any such land may receive the excess of the sum, over the taxes, charged for which the land was sold.

## Section

6. Every owner of land to have it entered on the land books of the county and causing himself to be charged with taxes thereon.

## ARTICLE XIV.

*Amendments.*

1. No convention shall be called having the authority to alter the Constitution of this State, unless.
2. Any amendment to the Constitution may originate at either house.

## ARTICLE I.

*Relations to the Government of the United States.*

1. The State of West Virginia is, and shall remain, one of the United States of America. The Constitution of the United States of America, and the laws and treaties made in pursuance thereof, shall be the supreme law of the land.

2. The government of the United States is a government of enumerated powers, and all powers not delegated to it, nor inhibited to the States, are reserved to the States or to the people thereof. Among the powers so reserved to the States is the exclusive regulation of their own internal government and police; and it is the high and solemn duty of the several departments of government, created by this Constitution, to guard and protect the people of this State from all encroachments upon the rights so reserved.

3. The provisions of the Constitution of the United States, and of this State, are operative alike in a period of war as in time of peace, and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government, and tends to anarchy and despotism.

4. For the election of representatives to Congress, the State shall be divided into districts, corresponding in number with the representatives to which it may be entitled; which districts shall be formed of contiguous counties, and be compact. Each district shall contain, as nearly as may be, an equal number of population, to be determined according to the rule prescribed in the Constitution of the United States.



## ARTICLE II.

*The State.*

1. The territory of the following counties, formerly parts of the Commonwealth of Virginia, shall constitute and form the State of West Virginia, viz.:

The counties of Barbour, Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood, and Wyoming. The State of West Virginia includes the bed, bank and shores of the Ohio river, and so much of the Big Sandy river as was formerly included in the Commonwealth of Virginia, and all territorial rights and property in, and jurisdiction over the same, heretofore reserved by, and vested in, the Commonwealth of Virginia, are vested in and shall hereafter be exercised by the State of West Virginia.—And such parts of the said beds, banks and shores, as lie opposite and adjoining the several counties of this State, shall form parts of said several counties respectively.

2. The powers of government reside in all the citizens of the State, and can be rightfully exercised only in accordance with their will and appointment.

3. All persons residing in this State, born or naturalized in the United States, and subject to the jurisdiction thereof, shall be citizens of this State.

4. Every citizen shall be entitled to equal representation in the government, and, in all apportionments of representation, equality of number of those entitled thereto shall, as far as practicable, be preserved.

5. No distinction shall be made between resident aliens and citizens, as to the acquisition, tenure, disposition or descent of property.

6. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on con-

fession in open court. Treason shall be punished according to the character of the acts committed, by the infliction of one, or more, of the penalties, of death, imprisonment or fine, as may be prescribed by law.

7. The present seal of the State with its our motto, "Montani Semper Liberi," shall be the great seal of the State of West Virginia, and shall be kept by the Secretary of State, to be used by him officially, as directed by law.

8. Writs, grants and commissions issued under the authority of this State shall run in the name of, and official bonds shall be made payable to, the State of West Virginia. Indictments shall conclude, "Against the peace and dignity of the State."

### ARTICLE III.

#### *Bill of Rights.*

1. All men are, by nature, equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity, namely: The enjoyment of life and liberty, with the means of acquiring and possessing property, and of pursuing and obtaining happiness and safety.

2. All power is vested in, and consequently derived from, the people. Magistrates are their trustees and servants, and at all times amenable to them.

3. Government is instituted for the common benefit, protection and security of the people, nation or community. Of all its various forms that is the best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and when any government shall be found inadequate or contrary to these purposes, a majority of the community has an indubitable, inalienable, and indefeasible right to reform, alter or abolish it in such manner as shall be judged most conducive to the public weal.

4. The privilege of the writ of habeas corpus shall not be suspended. No person shall be held to answer for treason, felony or other crime not cognizable by a justice, unless on presentment or indictment of a grand jury. No bill or attainder, ex post facto law, or law impairing the obligation of a contract, shall be passed.

5. Excessive bail shall not be required, nor excessive fines imposed nor cruel and unusual punishment inflicted. Penalties shall be proportioned to the character and degree of the offense. No person shall be transported out of, or forced to leave the State for any offense committed within the same; nor shall any person, in any criminal case, be compelled to be a witness against himself, or be twice put in jeopardy of life or liberty for the same offense.

6. The right of the citizens to be secure in their houses, persons, papers and effects, against unreasonable searches and seizures, shall not be violated. No warrant shall issue except upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, or the person or thing to be seized.

7. No law abridging the freedom of speech, or of the press, shall be passed; but the Legislature may by suitable penalties, restrain the publication or sale of obscene books, papers or pictures, and provide for the punishment of libel, and defamation of character, and for the recovery, in civil actions, by the aggrieved party, of suitable damages for such libel, or defamation.

8. In prosecutions, and civil suits for libel, the truth may be given in evidence; and if it shall appear to the jury that the matter charged as libelous, is true, and was published with good motives, and for justifiable ends, the verdict shall be for the defendant.

9. Private property shall not be taken or damaged for public use, without just compensation; nor shall the same be taken by any company, incorporated for the purposes of internal improvement, until just compensation shall have been paid, or secured to be paid, to the owner; and when private property shall be taken, or damaged, for public use, or for the use of such corporations, the compensation to the owner shall be ascertained in such manner as may be prescribed by general law: Provided, That when required by either of the parties, such compensation shall be ascertained by an impartial jury of twelve freeholders.

10. No person shall be deprived of life, liberty, or property, without due process of law, and (the word and construed to mean or; see 27 W. Va., 275) the judgment of his peers.

11. Political tests, requiring persons, as a prerequisite to the enjoyment of their civil and political rights, to purge themselves by their own oaths, of past alleged offenses, are repugnant to the principles of free government, and are cruel and oppressive. No religious or political test oath shall be required as a prerequisite or qualification to vote, serve as a juror, sue, plead, appeal or pursue any profession or employment. Nor shall any person be deprived by law, of any right, or privilege, because of any act done prior to the passage of such law.

12. Standing armies in time of peace, should be avoided as dangerous to liberty. The military shall be subordinate to the civil power; and no citizen, unless engaged in the military service of the State, shall be tried or punished by any military court, for any offense that is cognizable by the civil courts of the State. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.

13. (As amended—see Acts 1879, p. 182). In suits at common law, where the value in controversy exceeds twenty dollars exclusive of interest and costs, the right of trial by jury, if required by either party, shall be preserved; and in such suit before a justice a jury may consist of six persons. No fact tried by a jury shall be otherwise re-examined in any case then according to the rules of the common law.

14. Trials of crimes, and of misdemeanors, unless herein otherwise provided, shall be by a jury of twelve men, public, without unreasonable delay, and in the county where the alleged offense was committed, unless upon petition of the accused, and for good cause shown, it is removed to some other county. In all such trials, the accused shall be fully and plainly informed of the character and cause of the accusation, and be confronted with the witnesses against him, and shall have the assistance of counsel, and a reasonable time to prepare for his defense; and there shall be awarded to him compulsory process for obtaining witnesses in his favor.

15. No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever; nor shall any man be enforced, restrained, molested or burthened, in his body or goods, or otherwise suffer, on account of his religious opinions

or belief; but all men shall be free to profess, and by argument, to maintain their opinions in matters of religion; and the same shall, in no wise, affect, diminish or enlarge their civil capacities: and the Legislature shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this State, to levy on themselves, or others, any tax for the erection or repair of any house for public worship, or for the support of any church or ministry, but it shall be left free for every person to select his religious instructor, and to make for his support, such private contract as he shall please.

16. The right of the people to assemble in a peaceable manner, to consult for the common good, to instruct their representatives, or to apply for redress of grievances, shall be held inviolate.

17. The courts of this State shall be open, and every person, for an injury done to him, in his person, property or reputation, shall have remedy by due course of law; and justice shall be administered without sale, denial or delay.

18. No conviction shall work corruption of blood or forfeiture of estate.

19. No hereditary emoluments, honors or privileges shall ever be granted or conferred in this State.

20. Free government and the blessings of liberty can be preserved to any people only by a firm adherence to justice, moderation, temperance, frugality and virtue, and by a frequent recurrence to fundamental principles.

#### ARTICLE IV.

##### *Elections and Officers.*

1. The male citizens of the State shall be entitled to vote at all elections held within the counties in which they respectively reside; but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of the State for one year, and of the county in which he offers to vote, for sixty days next preceding such offer, shall be permitted to vote while

such disability continues; but no person in the military, naval or marine service of the United States shall be deemed a resident of this State by reason of being stationed therein.

2. In all elections by the people, the mode of voting shall be by ballot; but the voter shall be left free to vote by either open, sealed or secret ballot, as he may elect.

3. No voter, during the continuance of an election at which he is entitled to vote, or during the time necessary and convenient for going to and returning from the same, shall be subject to arrest upon civil process, or be compelled to attend any court, or judicial proceeding, as suitor, juror or witness; or to work upon the public roads; or except in time of war or public danger, to render military service.

4. No person, except citizens entitled to vote, shall be elected or appointed to any State, county or municipal office; but the Governor and Judges must have attained the age of thirty, and the Attorney-General and Senators the age of twenty-five years, at the beginning of their respective terms of service; and must have been citizens of the State for five years next preceding their election or appointment, or to be citizens at the time this Constitution goes into operation.

5. Every person elected or appointed to any office, before proceeding to exercise the authority, or discharge the duties thereof, shall make oath or affirmation that he will support the Constitution of the United States and the Constitution of this State, and that he will faithfully discharge the duties of his said office to the best of his skill and judgment; and no other oath, declaration, or test shall be required as a qualification, unless herein otherwise provided.

6. All officers elected or appointed under this Constitution, may, unless in cases herein otherwise provided for, be removed from office for official misconduct, incompetence, neglect of duty or gross immorality, in such manner as may be prescribed by general laws, and unless so removed they shall continue to discharge the duties of their respective offices until their successors are elected, or appointed, and qualified.

7. (As amended—See Acts 1883, p. 137.) The general elections of State and county officers, and of members of the Legislature, shall be held on the Tuesday next after the first Monday in November, until otherwise provided by law. The terms of such

officers, not elected, or appointed to fill a vacancy, shall, unless herein otherwise provided, begin on the first day of January; and of the members of the Legislature, on the first day of December next succeeding their election. Elections to fill vacancies, shall be for the unexpired term. When vacancies occur prior to any general election, they shall be filled by appointments, in such manner as may be prescribed herein, or by general law, which appointments shall expire at such time after the next general election as the person so elected to fill such vacancy shall be qualified.

8. The Legislature, in cases not provided for in this Constitution, shall prescribe, by general laws, the terms of office, powers, duties and compensation of all public officers and agents, and the manner in which they shall be elected, appointed and removed.

9. Any officer of the State may be impeached for maladministration, corruption, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor. The House of Delegates shall have the sole power of impeachment. The Senate shall have the sole power to try impeachments, and no person shall be convicted without the concurrence of two-thirds of the members elected thereto. When sitting as a court of impeachment, the President of the Supreme Court of Appeals, or, if from any cause it be improper for him to act, then any other judge of that court, to be designated by it, shall preside; and the Senators shall be on oath or affirmation, to do justice according to law and evidence. Judgment in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit, under the State; but the party convicted shall be liable to indictment, trial, judgment, and punishment, according to law. The Senate may sit during the recess of the Legislature for the trial of impeachments.

10. Any citizen of this State, who shall, after the adoption of this Constitution, either in, or out of the State, fight a duel with deadly weapons or send or accept a challenge so to do, or who shall act as second or knowingly aid, or assist in such duel, shall, ever thereafter, be incapable of holding any office of honor, trust or profit in this State.

11. The Legislature shall prescribe the manner of conducting and making returns of elections, and of determining con-

tested elections; and shall pass such laws as may be necessary and proper to prevent intimidation, disorder or violence at the polls, and corruption or fraud in voting, counting the vote, ascertaining or declaring the result, or fraud in any manner, upon the ballot.

12. No citizen shall ever be denied or refused the right or privilege of voting at an election, because his name is not, or has not been registered or listed as a qualified voter.

#### ARTICLE V.

##### *Division of Powers.*

1. The Legislative, Executive and Judicial Departments shall be separate and distinct, so that neither shall exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that justices of the peace shall be eligible to the Legislature.

#### ARTICLE VI.

##### *Legislature.*

1. The legislative power shall be vested in a Senate and House of Delegates. The style of their acts shall be "Be it enacted by the Legislature of West Virginia."

2. The Senate shall be composed of twenty-four, and the House of Delegates of sixty-five members, subject to be increased according to the provisions hereinafter contained.

3. Senators shall be elected for the term of four years, and Delegates for the term of two years. The Senators first elected, shall divide themselves into two classes, one Senator from every district being assigned to each class; and of these classes, the first to be designated by lot in such manner as the Senate may determine, shall hold their seats for two years; and the second for four years, so that after the first election, one-half of the Senators shall be elected biennially.

4. For the election of Senators, the State shall be divided into twelve Senatorial Districts, which number shall not be diminished, but may be increased as hereinafter provided. Every district shall elect two Senators, but, where the district is composed of more than one county, both shall not be chosen from the same county. The districts shall be compact, formed



of contiguous territory, bounded by county lines, and, as nearly as practicable, equal in population, to be ascertained by the census of the United States. After every such census, the Legislature shall alter the Senatorial Districts, so far as may be necessary to make them conform to the foregoing provision.

5. Until the Senatorial Districts shall be altered by the Legislature as herein prescribed, the counties of Hancock, Brooke and Ohio, shall constitute the first Senatorial District; Marshall, Wetzel and Marion, the second; Ritchie, Doddridge, Harrison, Gilmer and Calhoun, the third; Tyler, Pleasants, Wood and Wirt, the fourth; Jackson, Mason, Putnam and Roane, the fifth; Kanawha, Clay, Nicholas, Braxton and Webster, the sixth; Cabell, Wayne, Lincoln, Boone, Logan, Wyoming, McDowell and Mercer, the seventh; Monroe, Greenbrier, Summers, Pocahontas, Fayette and Raleigh, the eighth; Lewis, Randolph, Upshur, Barbour Taylor and Tucker, the ninth; Preston and Monongalia, the tenth; Hampshire, Mineral, Hardy, Grant and Pendleton, the eleventh; Berkeley, Morgan and Jefferson, the twelfth.

6. For the election of Delegates, every county containing a population of less than three-fifths of the ratio of representation for the House of Delegates, shall, at each apportionment, be attached to some contiguous county or counties, to form a Delegate District.

7. After every census the Delegates shall be apportioned as follows: The ratio of representation for the House of Delegates shall be ascertained by dividing the whole population of the State by the number of which the House is to consist and rejecting the fraction of a unit, if any, resulting from such division. Dividing the population of every Delegate District, and of every county not included in a Delegate District, by the ratio thus ascertained, there shall be assigned to each a number of Delegates equal to the quotient obtained by this division, excluding the fractional remainder. The additional Delegates necessary to make up the number of which the House is to consist, shall then be assigned to those Delegate Districts and counties, not included in a Delegate District, which would otherwise have the largest fractions unrepresented; but every Delegate District, and county not included in a Delegate District, shall be entitled to at least one Delegate.

8. Until a new apportionment shall be declared, the counties of Pleasants and Wood shall form the first Delegate District and elect three Delegates; Ritchie and Calhoun the second, and elect two Delegates; Barbour, Harrison and Taylor the third, and elect one Delegate; Randolph and Tucker the fourth, and elect one Delegate; Nicholas, Clay and Webster the fifth, and elect one Delegate; McDowell and Wyoming the sixth, and elect one Delegate.

9. Until a new apportionment shall be declared the apportionment of Delegates to the counties not included in Delegate Districts, and to Barbour, Harrison and Taylor counties, embraced in such districts, shall be as follows:

To Barbour, Boone, Braxton, Cabell, Doddridge, Fayette, Hampshire, Hancock, Jackson, Lewis, Logan, Greenbrier, Monroe, Mercer, Mineral, Morgan, Grant, Hardy, Lincoln, Pendleton, Putnam, Roane, Gilmer, Taylor, Tyler, Upshur, Wayne, Wetzel, Wirt, Pocahontas, Summers and Raleigh counties, one Delegate each.

To Berkeley, Harrison, Jefferson, Marion, Marshall, Mason, Monongalia and Preston counties, two Delegates each.

To Kanawha county, three Delegates.

To Ohio county, four Delegates.

10. The arrangement of the Senatorial and Delegate Districts, and apportionment of Delegates, shall hereafter be declared by law, as soon as possible after each succeeding census, taken by authority of the United States. When so declared they shall apply to the first general election for members of the Legislature to be thereafter held, and shall continue in force unchanged until such districts shall be altered, and delegates apportioned, under the succeeding census.

11. Additional territory may be admitted into, and become part of this State, with the consent of the Legislature and a majority of the qualified voters of the State, voting on the question. And in such case provision shall be made by law for the representation thereof in the Senate and House of Delegates, in conformity with the principles set forth in this Constitution. And the number of members of which each house of the Legislature is to consist, shall thereafter be increased by the representation assigned to such additional territory.

12. No person shall be a Senator or Delegate who has not for one year next preceding his election, been a resident within the district or county from which he is elected; and if a Senator or Delegate remove from the district or county from which he was elected, his seat shall thereby be vacated.

13. No person holding a lucrative office under this State, the United States or any foreign government; no member of Congress; no person who is a salaried officer of any railroad company, or who is sheriff, constable, or clerk of any court of record, shall be eligible to a seat in the Legislature.

14. No person who has been, or hereafter shall be convicted of bribery, perjury or other infamous crime, shall be eligible to a seat in the Legislature. No person who may have collected or been intrusted with public money, whether State or county, township, district, or other municipal organization, shall be eligible to the Legislature, or to any office of honor, trust or profit in this State, until he shall have duly accounted for and paid over such money according to law.

15. No Senator or Delegate, during the term for which he shall have been elected, shall be elected or appointed to any civil office of profit under this State, which has been created, or the emoluments of which have been increased during such term, except offices to be filled by election by the people. Nor shall any member of the Legislature be interested, directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected.

16. Members of the Legislature, before they enter upon their duties, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of West Virginia, and faithfully discharge the duties of Senator (or Delegate), according to the best of my ability;" and they shall also take this further oath, to wit: "I will not accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company, or person, for any vote or influence I may give or withhold, as Senator (or Delegate) on any bill, resolution or appropriation, or for any act I may do or perform as Senator (or Delegate)." Those oaths shall be adminis-

tered in the hall of the house to which the member is elected, by a judge of the Supreme Court of Appeals, or of a Circuit Court, or by any other person authorized by law to administer an oath; and the Secretary of State shall record and file said oaths subscribed by each member; and no other oath or declaration shall be required as a qualification. Any member who shall refuse to take the oath herein prescribed, shall forfeit his seat; and any member who shall be convicted of having violated the oath last above required to be taken, shall forfeit his seat and be disqualified thereafter from holding any office of profit or trust in this State.

17. Members of the Legislature, shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during the session, and for ten days before and after the same; and for words spoken in debate, or on any report, motion or proposition made in either house, a member shall not be questioned in any other place.

18. The Legislature shall assemble at the seat of government biennially, and not oftener, unless convened by the Governor. The first session of the Legislature, after the adoption of this Constitution, shall commence on the third Tuesday of November, 1872; and the regular biennial session of the Legislature shall commence on the second Wednesday of January, 1875, and every two years thereafter on the same day.

19. The Governor may convene the Legislature by proclamation whenever, in his opinion, the public safety or welfare shall require it. It shall be his duty to convene it, on application in writing, of three-fifths of the members elected to each house.

20. The seat of government shall be at Charleston, until otherwise provided by law.

21. The Governor may convene the Legislature at another place, when, in his opinion, it cannot safely assemble at the seat of Government, and the Legislature may, when in session, adjourn to some other place, when in his opinion, the public safety or welfare, or the safety of the members, or their health shall require it.

22. No session of the Legislature, after the first, shall continue longer than forty-five days, without the concurrence of two-thirds of the members elected to each house.

23. Neither house shall during the session, adjourn for more than three days, without the consent of the other. Nor shall either, without such consent, adjourn to any other place than that in which the Legislature is sitting.

24. A majority of the members elected to each house of the Legislature, shall constitute a quorum. But a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members, as each house may provide. Each house shall determine the rules of its proceedings and be the judge of the elections, returns and qualifications of its own members. The Senate shall choose, from its own body, a President; and the House of Delegates, from its own body a Speaker. Each house shall appoint its own officers, and remove them at pleasure. The oldest Delegate present shall call the house to order, at the opening of each new House of Delegates, and preside over it until the Speaker thereof shall have been chosen, and have taken his seat. The oldest member of the Senate present at the commencement of each regular session thereof, shall call the Senate to order, and preside over the same until a President of the Senate shall have been chosen, and have taken his seat.

25. Each house may punish its own members for disorderly behavior, and with the concurrence of two-thirds of the members elected thereto, expel a member, but not twice for the same offense.

26. Each house shall have power to provide for its own safety, and the undisturbed transaction of its business, and may punish, by imprisonment, any person not a member, for disrespectful behavior in its presence; for obstructing any of its proceedings, or any of its officers in the discharge of his duties, or for any assault, threat or abuse of a member, for words spoken in debate. But such imprisonment shall not extend beyond the termination of the session, and shall not prevent the punishment of any offense, by the ordinary course of law.

27. Laws shall be enacted and enforced, by suitable provisions and penalties, requiring sheriffs, and all other officers, whether State, county, district or municipal, who shall collect or receive, or whose official duty it is, or shall be, to collect, receive, hold or pay, out of any money belonging to, or which is, or shall be, for the use of the State or any county, district or

municipal corporation, to make annual account and settlement therefor. Such settlement, when made, shall be subject to exceptions, and take such direction, and have only such force and effect, as may be provided by law; but in all cases, such settlement shall be recorded, and be open to the examination of the people at such convenient place or places as may be appointed by law.

28. Bills and resolutions may originate in either house, but may be passed, amended or rejected by the other.

29. No bill shall become a law, until it has been fully and distinctly read, on three different days, in each house, unless, in case of urgency, by a vote of four-fifths of the members present, taken by yeas and nays on each bill, this rule be dispensed with: Provided, in all cases, that an engrossed bill shall be fully and distinctly read in each house.

30. No act hereafter passed, shall embrace more than one object, and that shall be expressed in the title. But if any object shall be embraced in an act which is not so expressed, the act shall be void only as to so much thereof as shall not be so expressed, and no law shall be revived, or amended, by reference to its title only; but the law revived, or the section amended, shall be inserted at large, in the new act. And no act of the Legislature, except such as may be passed at the first session under this Constitution, shall take effect until the expiration of ninety days after its passage, unless the Legislature shall by a vote of two-thirds of the members elected to each house, taken by yeas and nays, otherwise direct.

31. When a bill or joint resolution, passed by one house, shall be amended by the other, the question on agreeing to the bill, or joint resolution, as amended, shall be again voted on, by yeas and nays, in the house by which it was originally passed, and the result entered upon its journals; in all such cases, the affirmative vote of a majority of all the members elected to each house shall be necessary.

32. Whenever the words, "a majority of the members elected to either house of the Legislature," or words of like import, are used in this Constitution, they shall be construed to mean a majority of the whole number of members to which each house is, at the time, entitled, under the apportionment of representation, established by the provisions of this Constitution.

33. The members of the Legislature shall each receive for their services the sum of four dollars per day and ten cents for each mile traveled in going to and returning from the seat of government by the most direct route. The Speaker of the House of Delegates and the President of the Senate, shall each receive an additional compensation of two dollars per day for each day they shall act as presiding officers. No other allowance or emolument than that by this section provided shall directly or indirectly be made or paid to the members of either house for postage, stationery, newspapers, or any other purpose whatever.

34. The Legislature may provide by law that the fuel, stationery and printing paper, furnished for the use of the State; the copying, printing, binding and distributing the laws and journals; and all other printing ordered by the Legislature, shall be let by contract to the lowest responsible bidder, bidding under a maximum price to be fixed by the Legislature; and no member or officer thereof, or officer of the State, shall be interested, directly or indirectly, in such contract, but all such contracts shall be subject to the approval of the Governor, and in case of his disapproval of any such contract, there shall be a reletting of the same in such manner as may be prescribed by law.

35. The State of West Virginia shall never be made defendant in any court of law or equity.

36. The Legislature shall have no power to authorize lotteries or gift enterprise for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

37. No law shall be passed after the election of any public officer, which shall operate to extend the term of his office.

38. No extra compensation shall be granted or allowed to any public officer, agent, servant or contractor, after the services shall have been rendered or the contract made; nor shall any Legislature authorize the payment of any claim or part thereof, hereafter created against the State, under any agreement or contract made, without express authority of law; and all such unauthorized agreements shall be null and void. Nor shall the salary of any public officer be increased or diminished during his term of office, nor shall any such officer, or his or their sureties, be released from any debt or liability due to the State: Pro-

vided, The Legislature may make appropriations for expenditures hereafter incurred in suppressing insurrection, or repelling invasion.

39. The Legislature shall not pass special or local laws in any of the following enumerated cases, that is to say, for

Granting divorces;

Laying out, opening, altering and working roads or highways;

Vacating roads, town plats, streets, alleys and public grounds;

Locating, or changing county seats;

Regulating or changing county or district affairs;

Providing for the sale of church property, or property held for charitable uses;

Regulating the practice in courts of justice;

Incorporating cities, towns or villages, or amending the charter of any city, town or village, containing a population of less than two thousand;

Summoning or impaneling grand or petit juries;

The opening or conducting of any election, or designating the place of voting.

The sale and mortgage of real estate belonging to minors, or others under disability;

Chartering, licensing, or establishing ferries or toll bridges;

Remitting fines, penalties or forfeitures;

Changing the law of descent;

Regulating the rate of interest;

Authorizing deeds to be made for land sold for taxes;

Releasing taxes;

Releasing title to forfeited lands.

The Legislature shall provide, by general laws, for the foregoing and all other cases for which provision can be so made; and in no case shall a special act be passed, where a general law would be proper, and can be made applicable to the case, nor in any other case in which the courts have jurisdiction, and are competent to give the relief asked for.

40. The Legislature shall not confer upon any court, or judge, the power of appointment to office, further than the same is herein provided for.

41. Each house shall keep a journal of its proceedings, and cause the same to be published from time to time, and all bills and joint resolutions shall be described therein, as well



by their title as their number, and the yeas and nays on any question, if called for by one-tenth of those present, shall be entered on the journal.

42. Bills making appropriations for the pay of members and officers of the Legislature, and for salaries for the officers of the government, shall contain no provision on any other subject.

43. The Legislature shall never authorize or establish any board or court of registration of voters.

44. In all elections to office which may hereafter take place in the Legislature, or in any county, or municipal body, the vote shall be viva voce, and be entered on its journals.

45. It shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to provide, by law, for the punishment by imprisonment in the penitentiary, of any person who shall bribe, or attempt to bribe, any executive or judicial officer of this State, or any member of the Legislature in order to influence him, in the performance of any of his official or public duties; and also to provide by law for the punishment by imprisonment in the penitentiary, of any of said officers, or any member of the Legislature, who shall demand, or receive, from any corporation, company or person, any money, testimonial, or other valuable thing, for the performance of his official or public duties, or for refusing or failing to perform the same, or for any vote or influence a member of the Legislature may give or withhold as such member; and also to provide by law for compelling any person, so bribing or attempting to bribe, or so demanding or receiving a bribe, fee, reward, or testimonial, to testify against any person or persons, who may have committed any of said offenses: Provided, That any person so compelled to testify, shall be exempted from trial and punishment for the offense of which he may have been guilty, and concerning which he is compelled to testify; and any person convicted of any of the offenses specified in this section, shall, as a part of the punishment thereof, be forever disqualified from holding any office or position of honor, trust, or profit in this State.

46. Laws may be passed regulating or prohibiting the sale of intoxicating liquors within the limits of this State.

47. No charter of incorporation shall be granted to any church or religious denomination. Provisions may be made by general laws for securing the title to church property, and for the

sale and transfer thereof, so that it shall be held, used or transferred for the purposes of such church, or religious denomination.

48. Any husband or parent, residing in this State, or the infant children of deceased parents, may hold a homestead of the value of one thousand dollars, and personal property to the value of two hundred dollars, exempt from forced sale subject to such regulations as shall be prescribed by law: Provided, That such homestead exemption shall in no wise effect debts or liabilities existing at the time of the adoption of this Constitution: And provided further, that no property shall be exempt from sale for taxes due thereon, or for the payment of purchase-money due upon said property, or for debts contracted for the erection of improvements thereon.

49. The Legislature shall pass such laws as may be necessary to protect the property of married women from the debts, liabilities and control of their husbands.

50. The Legislature may provide for submitting to a vote of the people at the general election to be held in 1876, or at any general election thereafter, a plan or scheme of proportional representation in the Senate of this State; and if a majority of the votes cast at such election be in favor of the plan submitted to them, the Legislature shall, at its session succeeding such election, rearrange the Senatorial Districts in accordance with the plan so approved by the people.

## ARTICLE VII.

### *Executive Department.*

1. The Executive Department shall consist of a Governor, Secretary of State, State Superintendent of Free Schools, Auditor, Treasurer and Attorney-General, who shall be ex officio, Reporter of the Court of Appeals. Their terms of office, respectively, shall be four years, and shall commence on the fourth day of March, next after their election. They shall, except the Attorney-General, reside at the seat of government during their terms of office, and keep there the public records, books and papers pertaining to their respective offices, and shall perform such duties as may be prescribed by law.

*Election.*

2. An election for Governor, State Superintendent of Free Schools, Auditor, Treasurer and Attorney-General, shall be held at such times and places as may be prescribed in this Constitution or by general law.

3. The returns of every election for the above-named officers shall be sealed up and transmitted by the returning officers to the Secretary of State, directed "to the Speaker of the House of Delegates," who shall, immediately after the organization of the house and before proceeding to business, open and publish the same, in the presence of a majority of each house of the Legislature, which shall for that purpose, assemble in the hall of the House of Delegates. The person having the highest number of votes for either of said offices, shall be declared duly elected thereto; but if two or more have an equal and the highest number of votes for the same office, the Legislature shall, by joint vote, choose one of such persons for said office. Contested elections for the office of Governor, shall be determined by both houses of the Legislature by joint vote, in such manner as may be prescribed by law. The Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall continue in office, unless sooner removed, until the expiration of the official term of the Governor by whom he shall have been appointed.

*Eligibility.*

4. Neither the Governor, State Superintendent of Free Schools, Auditor, Treasurer, nor Attorney-General, shall hold any other office during the term of his service. The Governor shall be ineligible to said office for the four years next succeeding the term for which he was elected.

5. The chief executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed.

6. The Governor shall at the commencement of each session, give to the Legislature information by message, of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall accompany his message with a statement of all money received and paid out by him, from any funds, subject to his order, with vouchers therefor; and at the commencement of each regular session present estimates of the amount of money required by taxation for all purposes.

7. The Governor may on extraordinary occasions convene, at his own instance, the Legislature; but when so convened it shall enter upon no business except that stated in the proclamation by which it was called together.

8. The Governor shall nominate, and by and with the advice and consent of the Senate (a majority of all the Senators elected concurring by yeas and nays), appoint all officers whose offices are established by this Constitution, or shall be created by law, and whose appointment or election is not otherwise provided for; and no such officers shall be appointed or elected by the Legislature.

9. In case of a vacancy during the recess of the Senate, in any office which is not elective, the Governor shall, by appointment, fill such vacancy, until the next meeting of the Senate, when he shall make a nomination for such office, and the person so nominated, when confirmed by the Senate (a majority of all the Senators elected concurring by yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the Senate, shall be again nominated for the same office, during the same session, unless at the request of the Senate; nor shall such person be appointed to the same office during the recess of the Senate.

10. The Governor shall have power to remove any officer whom he may appoint in case of incompetency, neglect of duty, gross immorality, or malfeasance in office; and he may declare his office vacant and fill the same as herein provided in other cases of vacancy.

11. The Governor shall have power to remit fines and penalties in such cases and under such regulations as may be prescribed by law; to commute capital punishment and, except where the prosecution has been carried on by the House of Delegates, to grant reprieves and pardons after conviction; but he shall communicate to the Legislature at each session the particulars of every case of fine or penalty remitted, of punishment commuted and of reprieve or pardon granted, with his reasons therefor.

12. The Governor shall be commander-in-chief of the military forces of the State (except when they shall be called into

the service of the United States), and may call out the same to execute the laws, suppress insurrection and repel invasion.

13. When any State officer has executed his official bond, the Governor shall, for such causes and in such manner as the Legislature may direct, require of such officer reasonable additional security; and if the security is not given as required, his office shall be declared vacant, in such manner as may be provided by law.

14. Every bill passed by the Legislature shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if not, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, a majority of the members elected to that house, agree to pass the bill, it shall be sent, together with the objections to the other house, by which it shall likewise, be reconsidered, and if approved by a majority of the members elected to that house, it shall become a law, notwithstanding the objections of the Governor. But in all such cases the vote of each house shall be determined by yeas and nays to be entered on the journal. Any bill which shall not be returned by the Governor within five days (Sunday excepted) after it shall have been presented to him, shall be a law, in like manner as if he had signed it, unless the Legislature shall, by their adjournment prevent its return, in which case it shall be filed with his objections, in the office of the Secretary of State, within five days after such adjournment, or become a law.

15. Every bill passed by the Legislature making appropriations of money, embracing distinct items, shall before it becomes a law, be presented to the Governor; if he disapprove the bill, or any item or appropriation therein contained, he shall communicate such disapproval with his reasons therefor to the house in which the bill originated; but all items not disapproved shall have the force and effect of law according to the original provisions of the bill.—Any item or items so disapproved shall be void, unless repassed by a majority of each house according to the rules and limitations prescribed in the preceding section in reference to other bills.

16. In case of the death, conviction on impeachment, failure to qualify, resignation or other disability of the Governor, the President of the Senate shall act as Governor until the vacancy is filled, or the disability removed; and if the President of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Delegates; and in all other cases where there is no one to act as Governor, one shall be chosen by joint vote of the Legislature. Whenever a vacancy shall occur in the office of Governor before the first three years of the term shall have expired, a new election for Governor shall take place to fill the vacancy.

17. If the office of Auditor, Treasurer, State Superintendent of Free Schools or Attorney-General shall become vacant by death, resignation, or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. The subordinate officers of the Executive Department and the officers of all public institutions of the State shall keep an account of all moneys received or disbursed by them respectively, from all sources, and for every service performed, and make a semi-annual report thereof to the Governor under oath or affirmation; and any officer who shall willfully make a false report shall be deemed guilty of perjury.

18. The subordinate officers of the Executive Department and the officers of all the public institutions of the State, shall, at least ten days preceding each regular session of the Legislature, severally report to the Governor, who shall transmit such report to the Legislature; and the Governor may at any time require information in writing, under oath, from the officers of his department, and all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices.

19. The Governor shall receive for his services a salary of twenty-seven hundred dollars per annum, and no additional emolument, allowance or perquisite shall be paid or made to him, on any account. Any person acting as Governor shall receive the emoluments of that office. The Secretary of State shall receive one thousand; the State Superintendent of Free Schools,

fifteen hundred; the Treasurer, fourteen hundred; the Auditor, two thousand, and the Attorney-General thirteen hundred dollars per annum; and no additional emolument or allowance, except as herein otherwise provided, shall be paid or made out of the treasury of the State to any of the foregoing executive officers on any account.

#### ARTICLE VIII.

##### *Judicial Department.*

1. The judicial power of the State shall be vested in a Supreme Court of Appeals, in circuit courts and the judges thereof, in such inferior tribunals as are herein authorized and in justices of the peace.

2. The Supreme Court of Appeals shall consist of four judges, any three of whom shall be a quorum for the transaction of business. They shall be elected by the voters of the State and hold their office for the term of twelve years, unless sooner removed in the manner prescribed by this constitution, except that the judges in office when this article takes effect shall remain therein until the expiration of their present term of office.

3. It shall have original jurisdiction in cases of habeas corpus, mandamus, and prohibition. It shall have appellate jurisdiction in civil cases where the matter in controversy, exclusive of costs, is of greater value or amount than one hundred dollars; in controversies concerning the title of boundaries of land, the probate of wills, the appointment or qualification of a personal representative, guardian, committee or curator; or concerning a mill, road, way, ferry or landing; or the right of a corporation or county to levy tolls or taxes; and also in cases of quo warranto, habeas corpus, mandamus, certiorari and prohibition, and in cases involving freedom or the constitutionality of a law. It shall have appellate jurisdiction in criminal cases where there has been a conviction for felony or misdemeanor in a circuit court, and where a conviction has been had in any inferior court and been affirmed in a circuit court, and in cases relating to the public revenue, the right of appeal shall belong to the State as well as the defendant, and such other appellate jurisdiction, in both civil and criminal cases, as may be prescribed by law.

4. No decision rendered by the Supreme Court of Appeals shall be considered as binding authority upon any of the inferior courts of this State, except in the particular case decided, unless such decision is concurred in by at least three judges of said court.

5. When a judgment or decree is reversed or affirmed by the Supreme Court of Appeals, every point fairly arising upon the record of the case shall be considered and decided; and the reasons therefor shall be concisely stated in writing and preserved with the record of the case; and it shall be the duty of the court to prepare a syllabus of the points adjudicated in each case concurred in by three of the judges thereof, which shall be prefixed to the published report of the case.

6. A writ of error, supersedeas, or appeal shall be allowed only by the Supreme Court of Appeals, or a judge thereof, upon a petition assigning error in the judgment or proceedings of the inferior court and then only after said court or judge shall have examined and considered the record and assignment of errors, and is satisfied that there is error in the same, or that it presents a point proper for the consideration of the Supreme Court of Appeals.

7. If from any cause a vacancy shall occur in the Supreme Court of Appeals the Governor shall issue a writ of election to fill such vacancy at the next general election for the residue of the term, and in the meantime he shall fill such vacancy by appointment until a judge is elected and qualified. But if the unexpired term be less than two years the Governor shall fill such vacancy by appointment for the unexpired term.

8. The officers of the Supreme Court of Appeals, except the reporter, shall be appointed by the court, or in vacation by the judges thereof, with the power of removal; their duties and compensation shall be prescribed by law.

9. There shall be at least two terms of the Supreme Court of Appeals held annually at such times and places as may be prescribed by law.

10. The State shall be divided into thirteen circuits. For the circuit hereinafter called the first, two judges shall be elected, and for each of the other circuits one judge shall be elected by the voters thereof. Each of the judges so elected



shall hold his office for the term of eight years unless sooner removed in the manner prescribed in this Constitution. The judges of the circuit courts in office when this article takes effect shall remain therein until the expiration of the term for which they have been elected in the circuits in which they may respectively reside, unless sooner removed as aforesaid. A vacancy in the office of a judge of the circuit court shall be filled in the same manner as is provided for in the case of a vacancy in the office of a judge of the Supreme Court of Appeals. during his continuance in office the judge of the circuit court shall reside in the circuit in which he is judge. The business of the first circuit may be apportioned between the judges thereof, and such judges may hold courts in the same county or in different counties within the circuit at the same time or at different times as may be prescribed by law.

11. A circuit court shall be held in every county in the State at least three times in each year, and provisions may be made by law for holding special terms of said court. A judge of any circuit may hold the courts in another circuit.

12. The circuit court shall have the supervision and control of all proceedings before justices and other inferior tribunals, by mandamus, prohibition and certiorari. They shall, except in cases confined exclusively by this Constitution to some other tribunal, have original and general jurisdiction of all matters at law where the amount in controversy, exclusive of interest, exceeds fifty dollars; of all cases of habeas corpus, mandamus, quo warranto and prohibition; and of all cases in equity, and of all crimes and misdemeanors. They shall have appellate jurisdiction in all cases, civil and criminal, where an appeal, writ of error or supersedeas may be allowed to the judgment or proceedings of any inferior tribunal. They shall also have such other jurisdiction, whether supervisory, original, appellate, or concurrent, as is or may be prescribed by law.

13. Until otherwise provided by law, the State shall be divided into the following circuits: The counties of Brooke, Hancock, Ohio and Marshall shall constitute the first circuit; the counties of Monongalia, Marion and Harrison, the second; the counties of Preston, Taylor, Barbour, Tucker and Randolph, the third; the counties of Wetzel, Tyler, Ritchie and Doddridge, the fourth; the counties of Wood, Wirt and Pleasants, the fifth;

the counties of Clay, Gilmer, Jackson, Roane and Calhoun, the sixth; the counties of Putnam, Kanawha and Mason, the seventh; the counties of Cabell, Wayne, Lincoln and Logan, the eighth; the counties of McDowell, Mercer, Raleigh, Wyoming and Boone, the ninth; the counties of Greenbrier, Monroe, Summers, Fayette and Pocahontas, the tenth; the counties of Upshur, Lewis, Braxton, Nicholas and Webster, the eleventh; the counties of Grant, Hardy, Hampshire, Mineral and Pendleton, the twelfth; the counties of Jefferson, Berkeley and Morgan, the thirteenth.

14. The Legislature may rearrange the circuits herein provided for at any session thereof, next preceding any general election of the judges of said circuits, and after the year one thousand eight hundred and eighty-eight, may, at any such session, increase or diminish the number thereof.

15. The Legislature shall provide by law for holding regular and special terms of the circuit courts, where from any cause the judge shall fail to attend, or, if in attendance, cannot properly preside.

#### General Provisions.

16. All judges shall be commissioned by the Governor. The salary of a judge of the Supreme Court of Appeals shall be two thousand two hundred dollars per annum, and that of a judge of the circuit court shall be one thousand eight hundred dollars per annum; and each shall receive the same mileage as members of the Legislature: Provided, That Ohio county may pay an additional sum per annum to the judges of the circuit court thereof; but such allowance shall not be increased or diminished during the term of office of the judge to whom it may have been made. No judge, during his term of office, shall practice the profession of law or hold any other office, appointment or public trust, under this or any other government, and the acceptance thereof shall vacate his judicial office. Nor shall he, during his continuance therein, be eligible to any political office.

17. Judges may be removed from office by a concurrent vote of both houses of the Legislature, when from age, disease, mental or bodily infirmity or intemperance, they are incapable of discharging the duties of their office. But two-thirds of all the

members elected to each house must concur in such vote, and the cause of removal shall be entered upon the journal of each house. The judge against whom the Legislature may be about to proceed shall receive notice thereof, accompanied with the cause alleged for his removal, at least twenty days before the day on which action is proposed to be taken therein.

18. The voters of each county shall elect a clerk of the circuit court, whose term of office shall be six years; his duties and compensation and the manner of removing him from office shall be prescribed by law; and when a vacancy shall occur in the office, the circuit court or the judge thereof in vacation shall fill the same by appointment until the next general election. In any case in respect to which the clerk shall be so situated as to make it improper for him to act, the said court shall appoint a clerk to act therein. The clerks of said courts in office when this article takes effect, shall remain therein for the term for which they were elected, unless sooner removed in the manner prescribed by law.

19. The Legislature may establish courts of limited jurisdiction within any county, incorporated city, town or village, with the right of appeal to the circuit court, subject to such limitations as may be prescribed by law; and all courts of limited jurisdiction heretofore established in any county, incorporated city, town or village, shall remain as at present constituted until otherwise provided by law. The municipal court of Wheeling shall continue in existence until otherwise provided by law, and said court and the judge thereof shall exercise the powers and jurisdiction heretofore conferred upon them; and appeals in civil cases from said court shall lie directly to the Supreme Court of Appeals.

20. No citizen of this State who aided or participated in the late war between the government of the United States and a part of the people thereof, on either side, shall be liable in any proceeding, civil or criminal; nor shall his property be seized or sold under final process issued upon judgments or decrees heretofore rendered, or otherwise, because of any act done in accordance with the usages of civilized warfare in the prosecution of said war. The Legislature shall provide, by general laws, for giving full force and effect to this section.

21. Such parts of the common law, and of the laws of this State as are in force when this article goes into operation, and are not repugnant thereto, shall be and continue the law of the State until altered or repealed by the Legislature. All civil and criminal suits and proceedings pending in the former circuit courts of this State, shall remain and be proceeded in before the circuit courts of the counties in which they were pending.

#### County Courts.

22. There shall be in each county of the State a county court, composed of three commissioners, and two of said commissioners shall be a quorum for the transaction of business. It shall hold four regular sessions in each year, at such times as may be fixed upon and entered of record by the said court. Provisions may be made by law for holding special sessions of said court.

23. The commissioners shall be elected by the voters of the county, and hold their office for the term of six years, except that at the first meeting of said commissioners they shall designate by lot, or otherwise, in such manner as they may determine, one of their number, who shall hold his office for the term of two years, one for four years, and one for six years, so that one shall be elected every two years. But no two of said commissioners shall be elected from the same magisterial district. And if two or more persons residing in the same district shall receive the greater number of votes cast at any election, then only the one of such persons receiving the highest number shall be declared elected, and the person living in another district, who shall receive the next highest number of votes, shall be declared elected. Said commissioners shall annually elect one of their number as President, and each shall receive two dollars per day for his services in court, to be paid out of the county treasury.

24. The county courts, through their clerks, shall have the custody of all deeds and other papers presented for record in their counties, and the same shall be preserved therein, or otherwise disposed of, as now is or may be prescribed by law. They shall have jurisdiction in all matters of probate, the appointment and qualification of personal representatives, guardians, committees, curators, and the settlement of their accounts,

and in all matters relating to apprentices. They shall also, under such regulations as may be prescribed by law, have the superintendence and administration of the internal police and fiscal affairs of their counties, including the establishment and regulation of roads, ways, bridges, public landings, ferries and mills, with authority to lay and disburse the county levies. Provided, That no license for the sale of intoxicating liquors in any incorporated city, town or village, shall be granted without the consent of the municipal authorities thereof, first had and obtained. They shall, in all cases of contest, judge of the election, qualification and returns of their own members, and of all county and district officers, subject to such regulations, by appeal or otherwise, as may be prescribed by law. Such courts may exercise such other powers, and perform such other duties, not of a judicial nature, as may be prescribed by law. And provision may be made, under such regulations as may be prescribed by law, for the probate of wills, and for the appointment and qualification of personal representatives, guardians, committees and curators during the recess of the regular sessions of the county court. Such tribunals as have been heretofore established by the Legislature under and by virtue of the thirty-fourth section of the eighth article of the Constitution of one thousand eight hundred and seventy-two, for police and fiscal purposes, shall until otherwise provided by law, remain and continue as at present constituted in the counties in which they have been respectively established, and shall be and act as to police and fiscal matters in lieu of the county court created by this article until otherwise provided by law. And, until otherwise provided by law such clerk as is mentioned in the twenty-sixth section of this article, shall exercise any powers and discharge any duties heretofore conferred on, or required of, any court or tribunal established for judicial purposes under the said article and section of the Constitution of one thousand eight hundred and seventy-two, or the clerk of such court or tribunal respectively, respecting the recording and preservation of deeds and other papers presented for record, matters of probate, the appointment and qualification of personal representatives, guardians, committees, curators and the settlement of their accounts, and in all matters relating to apprentices.

25. All actions, suits and proceedings not embraced in the next preceding section, pending in a county court when this article takes effect, together with the records and papers pertaining thereto, as well as all records and papers pertaining to such actions, suits and proceedings, as have already been disposed of by said courts, shall be transmitted to and filed with the clerk of the circuit court of the county, to which office all process outstanding at the time this article goes into operation shall be returned; and said clerk shall have the same power and shall perform the same duties in relation to such records, papers and proceedings as were vested in and required of the clerk of the county court on the day before this article shall take effect. All such actions, suits and proceedings so pending as aforesaid, shall be docketed, proceeded in, tried, heard and determined in all respects by the circuit court, as if such suits and proceedings had originated in said court.

26. The voters of each county shall elect a clerk of the county court, whose term of office shall be six years. His duties and compensation and the manner of his removal shall be prescribed by law. But the clerks of said courts, now in office, shall remain therein for the term for which they have been elected, unless sooner removed therefrom in the manner prescribed by law.

27. Each county shall be laid off into districts, not less than three nor more than ten in number, and as nearly equal as may be in territory and population. There shall be elected in each district containing a population not exceeding twelve hundred, one justice of the peace, and if the population exceeds that number, two such justices shall be elected therein. Every justice shall reside in the district for which he was elected and hold his office for the term of four years, unless sooner removed in the manner prescribed by law. The districts as they now exist shall remain till changed by the county court.

28. The civil jurisdiction of a justice of the peace shall extend to actions of assumpsit, debt, detinue and trover, if the amount claimed, exclusive of interest, does not exceed three hundred dollars. The jurisdiction of justices of the peace shall extend throughout their county; they shall be conservators of the peace and have such jurisdiction and powers in criminal cases as may be prescribed by law. And justices of the peace

shall have authority to take the acknowledgment of deeds and other writings, administer oaths and take and certify depositions. And the Legislature may give to justices such additional civil jurisdiction and powers within their respective counties as may be deemed expedient, under such regulations and restrictions as may be prescribed by general law, except that in suits to recover money or damages their jurisdiction and powers shall in no case exceed three hundred dollars. Appeal shall be allowed from judgments of justices of the peace in such manner as may be prescribed by law.

29. The Legislature shall, upon the application of any county, reform, alter or modify the county court established by this article in such county, and in lieu thereof, with the assent of a majority of the voters of such county voting at an election, create another tribunal for the transaction of the business required to be performed by the county court created by this article; and in such case all the provisions of this article in relation to the county court shall be applicable to the tribunal established in lieu of said court. And when such tribunal has been established it shall continue to act in lieu of the county court until otherwise provided by law.

30. The office of commissioner and justice of the peace shall be deemed incompatible. Vacancies in the office of commissioner, clerk of the county court and justices of the peace shall be filled by the county court of the county until the next general election.

#### ARTICLE IX.

##### *County Organization.*

1. The voters of each county shall elect a Surveyor of Lands, a Prosecuting Attorney, a Sheriff, and one and not more than two Assessors, who shall hold their respective offices for the term of four years.

2. There shall also be elected in each district of the county, by the voters thereof, one constable, and if the population of any district shall exceed twelve hundred, an additional constable, whose term of office shall be four years, and whose powers as such shall extend throughout their county. The assessors shall, with the advice and consent of the county court, have the power to appoint one or more assistants. Coroners, overseers of the

poor and surveyors of roads shall be appointed by the county court. The foregoing officers, except the prosecuting attorneys, shall reside in the county and district for which they shall be respectively elected.

3. The same person shall not be elected sheriff for two consecutive full terms; nor shall any person who acted as his deputy be elected successor to such sheriff, nor shall any sheriff act as deputy of his successor; nor shall he, during his term of service, or within one year thereafter, be eligible to any other office. The retiring sheriff shall finish all business remaining in his hands, at the expiration of his term; for which purpose his commission and official bond shall remain in force. The duties of the office of sheriff shall be performed by him in person, or under his superintendence.

4. The presidents of the county courts, the justices of the peace, sheriffs, prosecuting attorneys, clerks of the circuit and of the county courts, and all other county officers shall be subject to indictment for malfeasance, misfeasance, or of neglect of official duty, and on conviction thereof their offices shall become vacant.

5. The Legislature shall provide for commissioning such of the officers herein mentioned, as it may deem proper, not provided for in this Constitution, and may require any class of them to give bond with security for the faithful discharge of their respective offices.

6. It shall further provide for the compensation, the duties and responsibilities of such officers, and may provide for the appointment of their deputies and assistants by general laws.

7. The president of the county court and every justice and constable shall be a conservator of the peace throughout his county.

8. No new county shall hereafter be formed in this State with an area of less than four hundred square miles, nor with a population of less than six thousand; nor shall any county, from which a new county, or part thereof, shall be taken, be reduced in area below four hundred square miles, nor in population below six thousand. Nor shall a new county be formed without the consent of a majority of the voters residing within the boundary of the proposed new county, and voting on the question.



## ARTICLE X.

*Taxation and Finance.*

1. Taxation shall be equal and uniform throughout the State, and all property, both real and personal, shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property from which a tax may be collected, shall be taxed higher than any other species of property of equal value; but property used for educational, literary, scientific, religious or charitable purposes; all cemeteries and public property may, by law, be exempted from taxation. The Legislature shall have power to tax, by uniform and equal laws, all privileges and franchises of persons and corporations.

2. The Legislature shall levy an annual capitation tax of one dollar upon each male inhabitant of the State who has attained the age of twenty-one years, which shall be annually appropriated to the support of free schools. Persons afflicted with bodily infirmity may be exempt from this tax.

3. No money shall be drawn from the treasury but in pursuance of an appropriation made by law, and on a warrant issued thereon by the Auditor; nor shall any money or fund be taken for any other purpose than that for which it has been or may be appropriated or provided. A complete and detailed statement of the receipts and expenditures of the public moneys, shall be published annually.

4. No debt shall be contracted by this State, except to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion or defend the State in time of war; but the payment of any liability other than that for the ordinary expenses of the State, shall be equally distributed over a period of at least twenty years.

5. The power of taxation of the Legislature shall extend to provisions for the payment of the State debt, and interest thereon, the support of free schools, and the payment of the annual estimated expenses of the State; but whenever any deficiency in the revenue shall exist in any year, it shall, at the regular session thereof held next after the deficiency occurs, levy a tax for the ensuing year, sufficient, with the other sources of income, to meet such deficiency, as well as the estimated expenses of such year.

6. The credit of the State shall not be granted to, or in aid of any county, city, township, corporation or person; nor shall the State ever assume, or become responsible for the debts or liabilities of any county, city, township, corporation or person; nor shall the State ever hereafter become a joint owner, or stockholder, in any company or association in this State or elsewhere, formed for any purpose whatever.

7. County authorities shall never assess taxes, in any one year, the aggregate of which shall exceed ninety-five cents per one hundred dollars valuation, except for the support of free schools; payment of indebtedness existing at the time of the adoption of this Constitution; and for the payment of any indebtedness, with the interest thereon, created under the succeeding section, unless such assessment, with all questions involving the increase of such aggregate, shall have been submitted to the vote of the people of the county, and have received three-fifths of all the votes cast for and against it.

8. No county, city, school district, or municipal corporation, except in cases where such corporations have already authorized their bonds to be issued, shall hereafter be allowed to become indebted, in any manner, or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness; nor without, at the same time, providing for the collection of a direct annual tax, sufficient to pay, annually, the interest on such debt, and the principal thereof, within, and not exceeding thirty-four years: Provided, That no debt shall be contracted under this section, unless all questions connected with the same, shall have been first submitted to a vote of the people, and have received three-fifths of all the votes cast for and against the same.

9. The Legislature may, by law, authorize the corporate authorities of cities, towns and villages, for corporate purposes, to assess and collect taxes; but such taxes shall be uniform, with respect to persons and property within the jurisdiction of the authority imposing the same.

## ARTICLE XI.

*Corporations.*

1. The Legislature shall provide for the organization of all corporations hereafter to be created, by general laws, uniform as to the class to which they relate; but no corporation shall be created by special law: Provided, That nothing in this section contained, shall prevent the Legislature from providing by special laws for the connection, by canal, of the waters of the Chesapeake with the Ohio river by line of the James river, Greenbrier, New river and Great Kanawha.

2. The stockholders of all corporations and joint stock companies, except banks and banking institutions, created by laws of this State, shall be liable for the indebtedness of such corporations to the amount of their stock subscribed and unpaid, and no more.

3. All existing charters or grants of special or exclusive privileges under which organization shall not have taken place, or which shall not have been in operation within two years from the time this Constitution takes effect, shall thereafter have no validity of effect whatever: Provided, That nothing herein shall prevent the execution of any bona fide contract heretofore lawfully made in relation to any existing charter or grant in this State.

4. The Legislature shall provide by law that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote, in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock, shall equal, or to distribute them on the same principle among as many candidates as he shall think fit: And such directors or managers shall not be elected in any other manner.

5. No law shall be passed by the Legislature, granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway, proposed to be occupied by such street railroad.

*Banks.*

6. The Legislature may provide, by a general banking law, for the creation and organization of banks of issue or circulation, but the stockholders of any bank hereafter authorized by the laws of this State, whether of issue, deposit or discount, shall be personally liable to the creditors thereof, over and above the amount of stock held by them respectively to an amount equal to their respective shares so held, for all its liabilities accruing while they are such stockholders.

*Railroads.*

7. Every railroad corporation organized or doing business in this State shall annually, by their proper officers, make a report under oath, to the auditor of public accounts of this State, or some officer to be designated by law, setting forth the condition of their affairs, the operations of the year, and such other matters relating to their respective railroads as may be prescribed by law. The Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

8. The rolling stock and all other moveable property belonging to any railroad company or corporation in this State shall be considered personal property and shall be liable to execution and sale in the same manner as the personal property of individuals; and the Legislature shall pass no law exempting any such property from execution and sale.

9. Railroads heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as shall be prescribed by law; and the Legislature shall, from time to time, pass laws, applicable to all railroad corporations in the State, establishing reasonable maximum rates of charges for the transportation of passengers and freights, and providing for the correction of abuses, the prevention of unjust discriminations between through and local or way freight and passenger tariffs, and for the protection of the just rights of the public, and shall enforce such laws by adequate penalties.

10. The Legislature shall, in the law regulating railway companies, require railroads running through, or within a half mile

of a town or village, containing three hundred or more inhabitants, to establish stations for the accommodation of trade and travel of said town or village.

11. No railroad corporation shall consolidate its stock, property or franchise with any other railroad owning a parallel or competing line, or obtain the possession or control of such parallel or competing line, by lease or other contract, without the permission of the Legislature.

12. The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking, by the Legislature, of the property and franchises of incorporated companies already organized, and subjecting them to the public use, the same as of individuals.

## ARTICLE XII.

### *Education.*

1. The Legislature shall provide, by general law, for a thorough and efficient system of free schools.

2. The State Superintendent of Free Schools shall have a general supervision of free schools, and perform such other duties in relation thereto as may be prescribed by law. If in the performance of any such duty imposed upon him by the Legislature he shall incur any expenses, he shall be reimbursed therefor: Provided, The amount does not exceed five hundred dollars in any one year.

3. The Legislature may provide for county superintendents and such other officers as may be necessary to carry out the objects of this article and define their duties, powers and compensation.

4. The existing permanent and invested school fund, and all money accruing to this State from forfeited, delinquent, waste and unappropriated lands; and from lands heretofore sold for taxes and purchased by the State of Virginia, if hereafter redeemed or sold to others than this State; all grants, devises or bequests that may be made to this State for the purposes of education or where the purposes of such grants, devises or bequests are not specified; this State's just share of the literary fund of Virginia, whether paid over or otherwise liquidated; and any sums of money, stocks or property which this State shall have the right to claim from the State of Virginia for educational

purposes; the proceeds of the estates of persons who may die without leaving a will or heir, and of all escheated lands; the proceeds of any taxes that may be levied on the revenues of any corporation; all moneys that may be paid as an equivalent for the exemption from military duty; and such sums as may from time to time be appropriated by the Legislature for the purpose, shall be set apart as a separate fund, to be called the "School Fund," and invested under such regulations as may be prescribed by law, in the interest-bearing securities of the United States, or of this State, or if such interest-bearing securities cannot be obtained, then said "School Fund" shall be invested in such other solvent, interest-bearing securities as shall be approved by the Governor, Superintendent of Free Schools, Auditor and Treasurer, who are hereby constituted the "Board of the School Fund," to manage the same under such regulations as may be prescribed by law; and the interest thereof shall be annually applied to the support of free schools throughout the State, and to no other purpose whatever. But any portion of said interest remaining unexpended at the close of a fiscal year shall be added to and remain a part of the capital of the "School Fund:" Provided, That all taxes which shall be received by the State upon delinquent lands, except the taxes due to the State thereon, shall be refunded to the county or district by or for which the same were levied.

5. The Legislature shall provide for the support of free schools, by appropriating thereto the interest of the invested "School Fund," the net proceeds of all forfeitures and fines accruing to this State under the laws thereof; the State capitation tax, and by general taxation of persons and property or otherwise. It shall also provide for raising in each county or district, by the authority of the people thereof, such a proportion of the amount required for the support of free schools therein as shall be prescribed by general laws.

6. The school districts into which any county is now divided shall continue until changed in pursuance of law.

7. All levies that may be laid by any county or district for the purposes of free schools shall be reported to the clerk of the county court, and shall, under such regulations as may be prescribed by law, be collected by the sheriff, or other collector, who

shall make annual settlement with the county court; which settlements shall be made a matter of record by the clerk thereof, in a book to be kept for that purpose.

8. White and colored persons shall not be taught in the same school.

9. No person connected with the free school system of the State, or with any educational institution of any name or grade under State control, shall be interested in the sale, proceeds or profits of any book or other thing used, or to be used therein, under such penalties as may be prescribed by law: Provided, That nothing herein shall be construed to apply to any work written, or thing invented, by such person.

10. No independent free school district or organization shall hereafter be created, except with the consent of the school district or districts out of which the same is to be created, expressed by a majority of the voters voting on the question.

11. No appropriation shall hereafter be made to any State Normal school, or branch thereof, except to those already established and in operation, or now chartered.

12. The Legislature shall foster and encourage, moral, intellectual, scientific and agricultural improvement; it shall, whenever it may be practicable, make suitable provision for the blind, mute and insane, and for the organization of such institutions of learning as the best interests of general education in the State may demand.

### ARTICLE XIII.

#### *Land Titles.*

1. All private rights and interest in lands in this State derived from or under the laws of the State of Virginia, and from or under the Constitution and laws of this State prior to the time this Constitution goes into operation, shall remain valid and secure and shall be determined by the laws in force in Virginia, prior to the formation of this State, and by the Constitution and laws in force in this State prior to the time this Constitution goes into effect.

2. No entry by warrant on land in this State shall hereafter be made.

3. All title to lands in this State heretofore forfeited, or treated as forfeited, waste and unappropriated, or escheated to the State of Virginia, or this State, or purchased by either of said States at sales made for the non-payment of taxes and become irredeemable, or hereafter forfeited, or treated as forfeited, or escheated to this State, or purchased by it and become irredeemable, not redeemed, released or otherwise disposed of, vested and remaining in this State, shall be, and is hereby transferred to, and vested in any person (other than those for whose default the same may have been forfeited or returned delinquent, their heirs or devisees,) for so much thereof as such person has, or shall have had actual continuous possession of, under color or claim of title for ten years, and who, or those under whom he claims, shall have paid the State taxes thereon for any five years during such possession; or if there be no such person, then to any person (other than those for whose default the same may have been forfeited, or returned delinquent, their heirs or devisees,) for so much of said land as such person shall have title or claim to, regularly derived, mediately or immediately from, or under a grant from the Commonwealth of Virginia of this State, nor forfeited, which but for the title forfeited would be valid, and who, or those under whom he claims has, or shall have paid all State taxes charged or chargeable thereon for five successive years, after the year 1865, or from the date of the grant, if it shall have issued since that year; or if there be no such person, as aforesaid, then to any person (other than those for whose default the same may have been forfeited, or returned delinquent, their heirs or devisees,) for so much of said land as such person shall have had claim to and actual continuous possession of under the color of title for any five successive years after the year 1865, and have paid all State taxes charged or chargeable thereon for said period.

4. All lands in this State, waste and unappropriated, or heretofore or hereafter for any cause forfeited, or treated as forfeited, or escheated to the State of Virginia, or this State, or purchased by either and become irredeemable, not redeemed, released, transferred or otherwise disposed of, the title whereof shall remain in this State till such sale as is hereinafter mentioned be made, shall by proceedings in the circuit court of the



county in which the lands, or a part thereof, are situated, be sold to the highest bidder.

5. The former owner of any such land shall be entitled to receive the excess of the sum for which the land may be sold over the taxes charged and chargeable thereon, or which, if the land had not been forfeited, would have been charged or chargeable thereon, since the formation of this State, with interest at the rate of twelve per centum per annum, and the costs of the proceedings, if his claim be filed in the circuit court that decrees the sale, within two years thereafter.

6. It shall be the duty of every owner of land to have it entered on the land books of the county in which it, or a part of it is situated, and to cause himself to be charged with the taxes thereon, and pay the same. When for any five successive years after the year 1869, the owner of any tract of land containing one thousand acres or more, shall not have been charged on such books with State tax on said land, then by operation hereof, the land shall be forfeited and the title thereto vest in the State. But if, for any one or more of such five years, the owner shall have been charged with State tax on any part of the land, such part thereof shall not be forfeited for such cause. And any owner of land so forfeited, or of any interest therein at the time of the forfeiture thereof, who shall then be an infant, married woman, or insane person, may, until the expiration of three years after the removal of such disability, have the land, or such interest charged on such books with all State and other taxes that shall be, and but for the forfeiture would be, chargeable on the land, or interest therein for the year 1863, and every year thereafter with interest at the rate of ten per centum per annum; and pay all taxes and interest thereon for all such years, and thereby redeem the land or interest therein: Provided, Such right to redeem shall in no case extend beyond twenty years from the time such land was forfeited.

#### ARTICLE XIV.

##### *Amendments*

1. No convention shall be called having the authority to alter the Constitution of the State, unless it be in pursuance of a law, passed by the affirmative vote of a majority of the members

elected to each house of the Legislature and providing that polls shall be opened throughout the State, on the same day therein specified, which shall not be less than three months after the passage of such law, for the purpose of taking the sense of the voters on the question of calling a convention. And such convention shall not be held unless a majority of the votes cast at such polls be in favor of calling the same; nor shall the members be elected to such convention, until, at least, one month after the result of the vote shall be duly ascertained, declared and published. And all acts and ordinances of the said convention shall be submitted to the voters of the State for ratification or rejection, and shall have no validity whatever until they are ratified.

2. Any amendment to the Constitution of the State may be proposed in either house of the Legislature; and if the same, being read on three several days in each house, be agreed to on its third reading, by two-thirds of the members elected thereto, the proposed amendment, with the yeas and nays thereon, shall be entered on the journals, and it shall be the duty of the Legislature to provide by law, for submitting the same to the voters of the State for ratification or rejection at the next general election thereafter, and cause the same to be published, at least three months before such election in some newspaper in every county in which a newspaper is printed. And if a majority of the qualified voters, voting on the question at the polls held pursuant to such law, ratify the proposed amendment, it shall be in force from the time of such ratification, as part of the Constitution of the State. If two or more amendments be submitted at the same time, the vote on the ratification or rejection shall be taken on each separately.

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CONSTITUTION  
OF THE  
STATE OF WISCONSIN.

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# CONSTITUTION OF THE STATE OF WISCONSIN.

## Preamble.

### ARTICLE I.

#### *Declaration of Rights.*

##### Section

1. All men are equally free and have certain inherent rights.
2. There shall be neither slavery nor involuntary imprisonment, except for the punishment of crime.
3. Freedom of speech and liberty of the press.
4. The people have the right to assemble peaceably for the common good.
5. Right of trial by jury.
6. Excessive bail shall not be required, nor shall excessive fines be imposed.
7. The rights of the accused in all criminal prosecutions.
8. Indictment by grand jury.
9. Justice, without sale, denial, or delay.
10. Treason against the State defined.
11. Rights of the people against unreasonable seizures or searches.
12. No bill of attainder, ex post facto law, nor any law impairing the obligations of contracts shall ever be passed.
13. Private property shall not be taken for public use without just compensation.
14. All lands within the State are declared to be allodial, and feudal tenures are prohibited.
15. No distinction shall ever be made by law between resident aliens and citizens in reference to property.
16. No imprisonment for debt.
17. The privilege of a debtor.
18. Freedom of religious thought and worship.
19. No religious tests shall ever be

##### Section

required as a qualification for any office.

20. The military shall be subordinate to the civil power.
21. Writs of error never permitted.
22. The blessings of free government.

### ARTICLE II.

#### *Boundaries.*

1. State boundaries.
2. Act of Congress ratified.—United States property not to be taxed.

### ARTICLE III.

#### *Suffrage.*

1. Qualifications for being a voter.
2. Those who may not vote.
3. All votes to be given by ballot, except for township officers.
4. No person to lose residence because absent on business of the United States.
5. No soldier of the United States shall be deemed a resident of this State because stationed within the same.
6. Bribery, etc., to debar from voting.

### ARTICLE IV.

#### *Legislative.*

1. Legislative power is vested in the Senate and Assembly.
2. Assembly to consist of not less than fifty-four, nor more than one hundred members.—The Senate shall consist of not less than one-fourth, nor more than one-third the number of the Assembly.
3. Enumeration of the inhabitants of the State to be made every ten years.
4. How Members of Assembly are to be chosen.

## Section

5. How Senators are to be chosen.
6. To be eligible to the Legislature.
7. Each house to be the judge of the qualifications of its own members.—A majority of each shall constitute a quorum.
8. In each house a two-thirds vote required to expel a member.
9. Each house shall choose its own officers.
10. Each house to keep a journal.
11. The Legislature to meet once a year at the seat of government
12. No Legislator to hold any civil office, etc., created during term for which he was elected.
13. Who are not eligible to a seat in the Legislature.
14. Governor to issue writs of election to fill vacancies.
15. Members of Legislature privileged from arrest, except when.
16. Members to have freedom of speech in debate.
17. No law shall be enacted except by bill.
18. No private or local bill shall embrace more than one subject.
19. A bill may originate in either house.—Either house may amend a bill of the other.
20. In regard to the yeas and nays.
21. Pay of members.
22. In regard to the board of supervisors.
23. Town and county government to be uniform.
24. The Legislature shall never authorize any lottery nor grant a divorce.
25. In regard to stationery and printing.
26. In regard to increasing or diminishing the pay of public officers.
27. How suit may be brought against the State.
28. The oath of office required.
29. Who shall constitute the militia of the State.

## Section

30. In all elections to be made by the Legislature, the vote shall be viva voce.

## ARTICLE V.

*Executive.*

1. The executive power shall be vested in the Governor.
2. To be eligible to the office of Governor and Lieutenant-Governor.
3. Election of the same.
4. Governor to be commander-in-chief of the State forces.—His powers and duties.
5. His salary.
6. Governor shall have power to grant reprieves and pardons.
7. When Lieutenant-Governor is to act as Governor.
8. He shall be president of the Senate.—When Secretary of State is to act as Governor.
9. Pay of Lieutenant-Governor.
10. Every bill to be presented to the Governor before it becomes a law.—He may approve or object to it.

## ARTICLE VI.

*Administrative.*

1. Secretary of State, Treasurer and Attorney-General to be chosen.
2. Secretary of State, his duties and compensation.
3. Powers, duties and pay of the Treasurer and Attorney-General are to be fixed by law.
4. In regard to sheriffs, coroners, etc.

## ARTICLE VII.

*Judiciary.*

1. The Senate, court of impeachment.
2. The judicial powers of the State are vested in Supreme, Circuit and Probate Courts, and in justices of the peace.
3. Supreme Court has appellate jurisdiction.—Shall have general superintending control over all inferior courts.

Section

4. Judges of Circuits to be judges of Supreme Courts till otherwise provided for.
5. Division of the State into five judicial circuits.
6. The Legislature may alter the limits, or increase the number of circuits.
7. For each circuit there shall be a judge chosen.
8. Jurisdiction and power of the Circuit Courts.
9. Vacancies to be filled by the Governor.
10. Salaries of judges of Supreme and Circuit Courts.
11. The Supreme Court shall hold at least one term annually at the seat of government. — A Circuit Court shall be held at least twice in each year in each county in the State.
12. Clerk of Circuit Court, term of office.
13. Removal of judge of Supreme or Circuit Courts.
14. Judge of probate, how chosen and term of office.
15. Justices of the peace, term of office and how elected.
16. Tribunals of conciliation.
17. Style of writs and criminal prosecutions shall be carried on in the name of "The State of Wisconsin."
18. A tax on all civil suits, how applied.
19. Testimony in causes in equity, how taken.
20. Any suitor may prosecute or defend his suit himself, or by an attorney.
21. No general law shall be in force till published.
22. A commission of three to be appointed to inquire into, revise and simplify the rules of practice, pleadings, forms, etc.
23. One or more persons to be appointed in each county to have such judicial powers as may be prescribed by law.

ARTICLE VIII.

*Finance.*

Section

1. Taxation shall be uniform.
2. No money to be paid out of the treasury except by appropriation by law.
3. The credit of the State shall never be given or loaned.
4. The State shall never contract any public debt, except as provided.
5. Expenses of the State to be met by an annual tax.
6. State may contract a public debt not to exceed \$100,000.
7. The Legislature may also borrow money to repel invasion, etc.
8. On the passage of a law which imposes, renews or continues a tax, etc., the question shall be taken by yeas and nays, and three-fifths of all the members shall be required to make a quorum.
9. In regard to State debt.
10. The State shall never contract any debt for works of internal improvement.

ARTICLE IX.

*Eminent Domain and Property of the State.*

1. State's jurisdiction over rivers and lakes.
2. Property of the Territory shall vest in the State.
3. State property.—All lands the title to which shall fall from a defect of heirs, shall revert to the people.

ARTICLE X.

*Education.*

1. The State superintendent, his duties, powers and compensation
2. The school fund.
3. Free, non-sectarian schools.
4. Each town and city to help support the public schools.
5. Distribution of the school fund.
6. A State university to be established.

## Section

7. Sale of school lands, commissioners for the same.
8. Duties of commissioners.

## ARTICLE XI.

*Corporations.*

1. Corporations without banking powers to be formed under general laws.
2. In regard to taking private property for public use by a municipal corporation.
3. Legislature to provide for the organization of cities and incorporated villages.
4. In regard to banks.
5. In regard to granting charters for the same.

## ARTICLE XII.

*Amendments.*

1. Either house may propose an amendment.
2. In regard to revising the Constitution.

## ARTICLE XIII.

*Miscellaneous Provisions.*

1. When the political year begins.
2. Dueling disqualifies for voting.
3. Those who may not hold office in this State.
4. Seal of State to be kept by Secretary of State.
5. Persons residing on Indian lands may vote at the nearest polls.
6. The elective officers of the Legislature, other than the presiding officers, shall be a chief clerk and sergeant-at-arms.
7. Division of counties.
8. The moving of the county seat.
9. In regard to county, city, town and village officers.
10. Offices deemed vacant and manner of filling the same.

## ARTICLE XIV.

*Schedule.*

1. Territorial rights to pass over to State rights.

## Section

2. All Territorial laws, not repugnant to this Constitution, shall remain in force till they expire, or are repealed.
3. All fines, etc., accruing to the Territory shall accrue to the State.
4. Everything pertaining to the Territory to pass over to the State.
5. Officers, civil and military, holding office under authority of the United States of the Territory, shall continue to hold it till superseded by State authority.
6. Where the first session of the Legislature shall be held, and when.
7. About county and other officers.
8. A copy of this Constitution to be sent to the President.
9. Ratification or rejection of this Constitution.
10. The congressional districts.
11. The elections provided for in this article are to be conducted according to the laws of the Territory.
12. Apportionment.
13. Territorial laws to continue.
14. Term of office of certain officers.
15. Who may administer the oath of office.

## AMENDMENTS.

- Article 1, section 8.
- Article 3, section 1.
- Article 4, section 4.
- Article 4, section 5.
- Article 4, section 11.
- Article 4, section 21.
- Article 4, section 31.
- Article 4, section 32.
- Article 5, section 5.
- Article 5, section 9.
- Article 6, section 4.
- Article 7, section 4.
- Article 7, section 12.
- Article 8, section 2.
- Article 9, section 3.
- Article 13, section 1.
- Article 7, section 4.



## PREAMBLE.

We, the people of Wisconsin, grateful to Almighty God for our freedom, in order to secure its blessings, form a more perfect government, insure domestic tranquility, and promote the general welfare, do establish this Constitution.

## ARTICLE I.

*Declaration of Rights.*

Section 1. All men are born equally free and independent, and have certain inherent rights; among these are life, liberty, and the pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

Sec. 2. There shall be neither slavery nor involuntary servitude in this State otherwise than for the punishment for crime whereof the party shall have been duly convicted.

Sec. 3. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel, the truth may be given in evidence; and if it shall appear to the jury that the matter charged as libelous be true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the facts.

Sec. 4. The right of the people peaceably to assemble to consult for the common good, and to petition the government or any department thereof shall never be abridged.

Sec. 5. The right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law.

Sec. 6. Excessive bail shall not be required, nor shall excessive fines be imposed, nor cruel and unusual punishment be inflicted.

Sec. 7. In all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his behalf; and in prosecutions by indictment or information, to a speedy public trial by an impar-

tial jury of the county or district wherein the offense shall have been committed; which county or district shall have been previously ascertained by law.

Sec. 8. No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger; and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require.

Sec. 9. Every person is entitled to a certain remedy in the laws, for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

Sec. 10. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 11. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Sec. 12. No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.

Sec. 13. The property of no person shall be taken for public use without just compensation therefor.

Sec. 14. All lands within the State are declared to be allodial, and feudal tenures are prohibited. Leases and grants of agricultural land, for a longer term than fifteen years, in

which rent or service of any kind shall be reserved, and all fines and like restraints upon alienation, reserved in any grant of land hereafter made, are declared to be void.

Sec. 15. No distinction shall ever be made by law between resident aliens and citizens, in reference to the possession, enjoyment, or descent of property.

Sec. 16. No person shall be imprisoned for debt arising out of, or founded on a contract, expressed or implied.

Sec. 17. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted.

Sec. 18. The right of every man to worship Almighty God according to the dictates of his own conscience shall never be infringed, nor shall any man be compelled to attend, erect or support any place of worship, or to maintain any ministry, against his consent. Nor shall any control of, or interference with the rights of conscience be permitted, or any preference be given by law to any religious establishments or mode of worship. Nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries.

Sec. 19. No religious tests shall ever be required as a qualification for any office or public trust, under the State, and no person shall be rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion.

Sec. 20. The military shall be in strict subordination to the civil power.

Sec. 21. Writs of error shall never be prohibited by law.

Sec. 22. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

## ARTICLE II.

### *Boundaries.*

Section 1. It is hereby ordained and declared that the State of Wisconsin doth consent and accept of the boundaries prescribed in the act of Congress, entitled "An act to enable the people of Wisconsin Territory to form a Constitution and State government, and for the admission of such State into the Union,"

approved August sixth, one thousand eight hundred and forty-six, to wit: Beginning at the northeast corner of the State of Illinois, that is to say, at a point in the center of Lake Michigan where the line of forty-two degrees and thirty minutes of north latitude crosses the same; thence, running with the boundary of the State of Michigan, through Lake Michigan, Green bay, to the mouth of the Menominee river; thence up the channel of the said river to the Brule river; thence up said mentioned river to Lake Brule; thence along the southern shore of Lake Brule, in a direct line to the center of the channel between Middle and South islands, in the Lake of the Desert; thence in a direct line to the head waters of the Montreal river, as marked upon the survey made by Captain Cram; thence down the main channel of the Montreal river to the middle of Lake Superior; thence through the center of Lake Superior to the mouth of the St. Louis river; thence up the main channel of said river to the first rapids in the same, above the Indian village, according to Nicollet's map; thence due south to the main branch of the river St. Croix; thence down the main channel of said river to the Mississippi; thence down the center of the main channel of that river to the northwest corner of the State of Illinois; thence due east with the northern boundary of the State of Illinois, to the place of beginning, as established by "An act to enable the people of the Illinois Territory to form a Constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," approved April 18, 1818. (Provided, however, That the following alteration of the aforesaid boundary be, and hereby is, proposed to the Congress of the United States as the preference of the State of Wisconsin, and if the same shall be assented and agreed to by the Congress of the United States, then the same shall be and forever remain obligatory on the State of Wisconsin, viz.: Leaving the aforesaid boundary line at the foot of the rapids of the St. Louis river; thence, in a direct line bearing southwesterly, to the mouth of the Iskodewabo or Rum river, where the same empties into the Mississippi river; thence down the main channel of the said Mississippi river, as prescribed in the aforesaid boundary.)

Sec. 2. The propositions contained in the act of Congress are hereby accepted, ratified and confirmed, and shall remain irrevocable without the consent of the United States; and it is

hereby ordained that this State shall never interfere with the primary disposition of the soil within the same, by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to bona fide purchasers thereof; and no tax shall be imposed on land, the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. Provided, That nothing in this Constitution, or in the act of Congress aforesaid, shall in any manner prejudice or affect the right of the State of Wisconsin to five hundred thousand acres of land granted to said State, and to be hereafter selected and located, by and under the act of Congress, entitled "An act to appropriate the proceeds of sales of the public lands, and grant pre-emption rights," approved September fourth, one thousand eight hundred and forty-one.

### ARTICLE III.

#### *Suffrage.*

Section 1. Every male person, of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the State for one year next preceding any election, shall be deemed a qualified elector at such election:

1. White citizens of the United States.
2. White persons of foreign birth, who shall have declared their intention to become citizens conformably to the laws of the United States on the subject of naturalization.
3. Persons of Indian blood, who have once been declared by law of Congress to be citizens of the United States, any subsequent law of Congress to the contrary notwithstanding.
4. Civilized persons of Indian descent, not members of any tribe. Provided, That the Legislature may, at any time, extend by law the right of suffrage to persons not herein enumerated; but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all the votes cast at such election.

Sec. 2. No person under guardianship, non compos mentis, or insane, shall be qualified to vote at any election; nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights.

Sec. 3. All votes shall be given by ballot, except for such township officers as may by law be directed or allowed to be otherwise chosen.

Sec. 4. No person shall be deemed to have lost his residence in this State by reason of his absence on business of the United States, or of this State.

Sec. 5. No soldier, seaman or marine, in the army or navy of the United States, shall be deemed a resident of this State in consequence of being stationed within the same.

Sec. 6. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery or larceny, or of any infamous crime, and depriving every person who shall make, or become directly or indirectly interested in, any bet or wager depending upon the result of any election, from the right to vote at such election.

#### ARTICLE IV.

##### *Legislative.*

Section 1. The legislative power shall be vested in a Senate and Assembly.

Sec. 2. The number of the members of the Assembly shall never be less than fifty-four, nor more than one hundred. The Senate shall consist of a number not more than one-third, nor less than one-fourth, of the number of the members of the Assembly.

Sec. 3. The Legislature shall provide by law for an enumeration of the inhabitants of the State, in the year one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and at their first session after such enumeration, and also for each enumeration made by the authority of the United States, the Legislature shall apportion and district anew the members of the Senate and Assembly, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States army and navy.

Sec. 4. The members of the Assembly shall be chosen annually by single districts on the Tuesday succeeding the first Monday in November, by the qualified electors of the several districts; such districts to be bounded by county, precinct, town or ward lines, to consist of contiguous territory, and be in as compact form as practicable.

Sec. 5. The Senators shall be chosen by single districts of convenient contiguous territory, at the same time and in the

same manner as members of the Assembly are required to be chosen, and no Assembly district shall be divided in the formation of a Senate district. The Senate districts shall be numbered in the regular series, and the Senators chosen by the odd-numbered districts shall go out of office at the expiration of the first year, and the Senators chosen by the even-numbered districts shall go out of office at the expiration of the second year, and thereafter the Senators shall be chosen for the term of two years.

Sec. 6. No person shall be eligible to the Legislature who shall not have resided one year within the State, and be a qualified elector in the district which he may be chosen to represent.

Sec. 7. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as each House may provide.

Sec. 8. Each House may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member; but no member shall be expelled a second time for the same cause.

Sec. 9. Each House shall choose its own officers, and the Senate shall choose a temporary President, when the Lieutenant-Governor shall not attend as President, or shall act as Governor.

Sec. 10. Each House shall keep a journal of its proceedings, and publish the same, except such parts as require secrecy. The doors of each House shall be kept open, except when the public welfare shall require secrecy. Neither House shall, without the consent of the other, adjourn for more than three days.

Sec. 11. The Legislature shall meet at the seat of government, at such time as shall be provided by law, once in each year, and no oftener, unless convened by the Governor.

Sec. 12. No member of the Legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the State which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

Sec. 13. No person being a member of Congress or holding any military or civil office under the United States shall be eli-

gible to a seat in the Legislature; and if any person shall, after his election as a member of the Legislature, be elected to Congress, or be appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

Sec. 14. The Governor shall issue writs of election to fill such vacancies as may occur in either House of the Legislature.

Sec. 15. Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest; nor shall they be subject to any civil process, during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

Sec. 16. No member of the Legislature shall be liable in any civil action or criminal prosecution whatever, for words spoken in debate.

Sec. 17. The style of the laws of the State shall be, "The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows," and no law shall be enacted except by bill.

Sec. 18. No private or local bill, which may be passed by the Legislature, shall embrace more than one subject, and that shall be expressed in the title.

Sec. 19. Any bill may originate in either House of the Legislature, and a bill passed by one House may be amended by the other.

Sec. 20. The yeas and nays of the members of either House, on any question, shall, at the request of one-sixth of those present, be entered on the journal.

Sec. 21. Each member of the Legislature shall receive for his services, two dollars and fifty cents for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of the meeting of the Legislature, on the most usual route.

Sec. 22. The Legislature may confer upon the boards of supervisors of the several counties of the State, such powers, of a local, legislative, and administrative character, as they shall from time to time prescribe.

Sec. 23. The Legislature shall establish but one system of town and county government, which shall be as nearly uniform as practicable.



Sec. 24. The Legislature shall never authorize any lottery or grant any divorce.

Sec. 25. The Legislature shall provide by law that all stationary required for the use of the State, and all printing authorized and required by them to be done for their use, or for the State, shall be let by contract to the lowest bidder; but the Legislature may establish a maximum price. No member of the Legislature, or other State officer, shall be interested, either directly or indirectly, in any such contract.

Sec. 26. The Legislature shall never grant any extra compensation to any public officer, agent, servant or contractor, after the service shall have been rendered or the contract entered into. Nor shall the compensation of any public officer be increased or diminished during his term of office.

Sec. 27. The Legislature shall direct by law in what manner and in what court suit may be brought against the State.

Sec. 28. Members of the Legislature and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe an oath or affirmation to support the Constitution of the United States, and the Constitution of the State of Wisconsin, and faithfully to discharge the duties of their respective offices to the best of their ability.

Sec. 29. The Legislature shall determine what persons shall constitute the militia of the State, and may provide for organizing and disciplining the same, in such manner as shall be prescribed by law.

Sec. 30. In all elections to be made by the Legislature, the members thereof shall vote viva voce, and their votes shall be entered on the journal.

## ARTICLE V.

### *Executive.*

Section 1. The executive power shall be vested in a Governor who shall hold his office for two years. A Lieutenant-Governor shall be elected at the same time, and for the same term.

Sec. 2. No person, except a citizen of the United States and a qualified elector of the State shall be eligible to the office of Governor or Lieutenant-Governor.

Sec. 3. The Governor and Lieutenant-Governor shall be elected by the qualified electors of the State at the times and places of choosing members of the Legislature. The persons respectively having the highest number of votes for Governor and Lieutenant-Governor shall be elected. But in case two or more shall have an equal and the highest number of votes for Governor or Lieutenant-Governor, the two Houses of the Legislature, at its next annual session, shall forthwith, by joint ballot, choose one of the persons so having an equal and the highest number of votes for Governor or Lieutenant-Governor. The returns of election for Governor and Lieutenant-Governor shall be made in such manner as shall be provided by law.

Sec. 4. The Governor shall be Commander-in-Chief of the military and naval forces of the State. He shall have the power to convene the Legislature on extraordinary occasions; and in case of invasion, or danger from the prevalence of contagious disease at the seat of the government, he may convene them at any other suitable place within the State. He shall communicate to the Legislature, at every session, the condition of the State, and recommend such matter to them for their consideration, as he may deem expedient. He shall transact all necessary business with the officers of the Government, civil and military. He shall expedite all such measures, as may be resolved upon by the Legislature, and shall take care that the laws be faithfully executed.

Sec. 5. The Governor shall receive during his continuance in office, an annual compensation of one thousand two hundred and fifty dollars.

Sec. 6. The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature, at its next meeting, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence or grant a further reprieve. He shall annually communicate to the Legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime

of which he was convicted, the sentence and its date, and the date of the commutation, pardon, or reprieve, with his reasons for granting the same.

Sec. 7. In case of the impeachment of the Governor, or his removal from office, death, inability from mental or physical disease, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor, for the residue of the term, or until the Governor, absent or impeached, shall have returned, or the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of the military force thereof, he shall continue Commander-in-Chief of the military force of the State.

Sec. 8. The Lieutenant-Governor shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy in the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or from mental or physical disease become incapable of performing the duties of his office, or be absent from the State, the Secretary of State shall act as Governor until the vacancy shall be filled, or the disability shall cease.

Sec. 9. The Lieutenant-Governor shall receive double the per diem allowance of members of the Senate, for every day's attendance as President of the Senate, and the same mileage as shall be allowed to members of the Legislature.

Sec. 10. Every bill which shall have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large upon the journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each House, respectively. If any bill shall not be returned by the

Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law, unless the Legislature shall, by their adjournment, prevent its return; in which case it shall not be a law.

#### ARTICLE VI.

##### *Administrative.*

Section 1. There shall be chosen by the qualified electors of the State, at the times and places of choosing the members of the Legislature, a Secretary of State, Treasurer, and Attorney-General, who shall severally hold their offices for the term of two years.

Sec. 2. The Secretary of State shall keep a fair record of the official acts of the Legislature and executive department of the State, and shall, when required, lay the same and all matters relative thereto, before either branch of the Legislature. He shall be ex officio auditor, and shall perform such other duties as shall be assigned him by law. He shall receive as a compensation for his services, yearly, such sum as shall be provided by law, and shall keep his office at the seat of government.

Sec. 3. The powers, duties and compensation of the Treasurer and Attorney-General shall be prescribed by law.

Sec. 4. Sheriffs, coroners, registers of deeds and district attorneys shall be chosen by the electors of the respective counties, once in every two years, and as often as vacancies shall happen. Sheriffs shall hold no other office, and be ineligible for two years next succeeding the termination of their offices. They may be required by law to renew their security from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The Governor may remove any officer in this section mentioned, giving to such officer a copy of the charges against him and an opportunity of being heard in his defense.

#### ARTICLE VII.

##### *Judiciary.*

Section 1. The court for the trial of impeachment shall be composed of the Senate. The House of Representatives shall have the power of impeaching all civil officers of this State, for corrupt conduct in office, or for crimes and misdemeanors; but

a majority of all the members elected shall concur in an impeachment. On the trial of an impeachment against the Governor, the Lieutenant-Governor shall not act as a member of the court. No judicial officer shall exercise his office after he shall have been impeached, until his acquittal. Before the trial of an impeachment, the members of the court shall take an oath or affirmation truly and impartially to try the impeachment, according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office or removal from office and disqualification to hold any office of honor, profit or trust, under the State; but the party impeached shall be liable to indictment, trial and punishment according to law.

Sec. 2. The judicial power of this State, both as to matters of law and equity, shall be vested in a Supreme Court, Circuit Courts, Courts of Probate, and in justices' of the peace. The Legislature may also vest such jurisdiction as shall be deemed necessary in Municipal Courts, and shall have power to establish inferior courts in the several counties, with limited civil and criminal jurisdiction. Provided, That the jurisdiction which may be vested in Municipal Courts shall not exceed, in their respective municipalities, that of Circuit Courts in their respective circuits, as prescribed in this Constitution; and that the Legislature shall provide as well for the election of judges of the Municipal Courts as of the judges of inferior courts, by the qualified electors of the respective jurisdictions. The term of office of the judges of the said municipal and inferior courts shall not be longer than that of the judges of the Circuit Courts.

Sec. 3. The Supreme Court, except in cases otherwise provided in this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State; but in no case removed to the Supreme Court, shall a trial by jury be allowed. The Supreme Court shall have a general superintending control over all inferior courts; it shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and other original and remedial writs, and to hear and determine the same.

Sec. 4. For the term of five years, and thereafter until the Legislature shall otherwise provide, the judges of the several Circuit Courts shall be judges of the Supreme Court, four of

whom shall constitute a quorum, and the concurrence of a majority of the judges present shall be necessary to a decision. The Legislature shall have power, if they should think it expedient and necessary, to provide by law for the organization of a separate Supreme Court with the jurisdiction and powers prescribed in this Constitution, to consist of one chief justice and two associate justices to be elected by the qualified voters of the State, at such time and in such manner as the Legislature may provide. The separate Supreme Court, when so organized, shall not be changed or discontinued by the Legislature; the judges thereof shall be so classified that but one of them shall go out of office at the same time, and their term of office shall be the same as provided for the judges of the Circuit Court. And whenever the Legislature may consider it necessary to establish a separate Supreme Court, they shall have the power to reduce the number of circuit judges to four, and subdivide the judicial districts; but no such subdivision or reduction shall take effect until after the expiration of the term of some one of the said judges, or until a vacancy occur by some other means.

Sec. 5. The State shall be divided into five judicial circuits, to be composed as follows: The First circuit shall comprise the counties of Racine, Walworth, Rock, and Green. The Second circuit, the counties of Milwaukee, Waukesha, Jefferson and Dane. The Third circuit, the counties of Washington, Dodge, Columbia, Marquette, Sauk and Portage. The Fourth circuit, the counties of Brown, Manitowoc, Sheboygan, Fond du Lac, Winnebago and Calumet. And the Fifth circuit shall comprise the counties of Iowa, La Fayette, Grant, Crawford and St. Croix; and the county of Richmond shall be attached to Iowa, the county of Chippewa to the county of Crawford, and the county of La Pointe to the county of St. Croix, for judicial purposes, until otherwise provided by the Legislature.

Sec. 6. The Legislature may alter the limits, or increase the number of circuits, making them as compact and convenient as practicable, and bounding them by county lines; but no such alteration or increase shall have the effect to remove a judge from office. In case of an increase of circuits, the judge or judges shall be elected as provided in this Constitution, and receive a salary not less than that herein provided for judges of the Circuit Court.

Sec. 7. For each circuit there shall be a judge chosen by the qualified electors therein, who shall hold his office as is provided in this Constitution, and until his successor shall be chosen and qualified; and after he shall have been elected, he shall reside in the circuit for which he was elected. One of said judges shall be designated as chief justice, in such manner as the Legislature shall provide. And the Legislature shall, at its first session, provide by law, as well for the election of, as for classifying the judges of the Circuit Court, to be elected under this Constitution in such a manner that one of said judges shall go out of office in two years, one in three years, one in four years, one in five years and one in six years, and thereafter the judge elected to fill the office shall hold the same for six years.

Sec. 8. The Circuit Courts shall have original jurisdiction in all matters, civil and criminal, within this State, not excepted in this Constitution, and not hereafter prohibited by law, and appellate jurisdiction from all inferior courts and tribunals, and a supervisory control over the same. They shall also have the power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and all other writs necessary to carry into effect their orders, judgments and decrees, and give them a general control over inferior courts and jurisdictions.

Sec. 9. When a vacancy shall happen in the office of judge of the Supreme or Circuit Courts, such vacancy shall be filled by an appointment of the Governor, which shall continue until a successor is elected and qualified; and when elected, such successor shall hold his office the residue of the unexpired term. There shall be no election for a judge or judges at any general election for State or county officers, nor within thirty days either before or after such election.

Sec. 10. Each of the judges of the Supreme and Circuit Courts shall receive a salary, payable quarterly, of not less than one thousand five hundred dollars annually; they shall receive no fees of office, or other compensation than their salaries; they shall hold no office of public trust, except a judicial office, during the term for which they are respectively elected, and all votes for either of them, for any office except a judicial office given by the Legislature or the people, shall be void. No person shall be eligible to the office of judge, who shall not, at

Sec. 3. All votes shall be given by ballot, except for such township officers as may by law be directed or allowed to be otherwise chosen.

Sec. 4. No person shall be deemed to have lost his residence in this State by reason of his absence on business of the United States, or of this State.

Sec. 5. No soldier, seaman or marine, in the army or navy of the United States, shall be deemed a resident of this State in consequence of being stationed within the same.

Sec. 6. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery or larceny, or of any infamous crime, and depriving every person who shall make, or become directly or indirectly interested in, any bet or wager depending upon the result of any election, from the right to vote at such election.

#### ARTICLE IV.

##### *Legislative.*

Section 1. The legislative power shall be vested in a Senate and Assembly.

Sec. 2. The number of the members of the Assembly shall never be less than fifty-four, nor more than one hundred. The Senate shall consist of a number not more than one-third, nor less than one-fourth, of the number of the members of the Assembly.

Sec. 3. The Legislature shall provide by law for an enumeration of the inhabitants of the State, in the year one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and at their first session after such enumeration, and also for each enumeration made by the authority of the United States, the Legislature shall apportion and district anew the members of the Senate and Assembly, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States army and navy.

Sec. 4. The members of the Assembly shall be chosen annually by single districts on the Tuesday succeeding the first Monday in November, by the qualified electors of the several districts; such districts to be bounded by county, precinct, town or ward lines, to consist of contiguous territory, and be in as compact form as practicable.

Sec. 5. The Senators shall be chosen by single districts of convenient contiguous territory, at the same time and in the



same manner as members of the Assembly are required to be chosen, and no Assembly district shall be divided in the formation of a Senate district. The Senate districts shall be numbered in the regular series, and the Senators chosen by the odd-numbered districts shall go out of office at the expiration of the first year, and the Senators chosen by the even-numbered districts shall go out of office at the expiration of the second year, and thereafter the Senators shall be chosen for the term of two years.

Sec. 6. No person shall be eligible to the Legislature who shall not have resided one year within the State, and be a qualified elector in the district which he may be chosen to represent.

Sec. 7. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as each House may provide.

Sec. 8. Each House may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member; but no member shall be expelled a second time for the same cause.

Sec. 9. Each House shall choose its own officers, and the Senate shall choose a temporary President, when the Lieutenant-Governor shall not attend as President, or shall act as Governor.

Sec. 10. Each House shall keep a journal of its proceedings, and publish the same, except such parts as require secrecy. The doors of each House shall be kept open, except when the public welfare shall require secrecy. Neither House shall, without the consent of the other, adjourn for more than three days.

Sec. 11. The Legislature shall meet at the seat of government, at such time as shall be provided by law, once in each year, and no oftener, unless convened by the Governor.

Sec. 12. No member of the Legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the State which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

Sec. 13. No person being a member of Congress or holding any military or civil office under the United States shall be eli-

ject to their modification and adoption; and such commission shall terminate upon the rendering of the report, unless otherwise provided by law.

Sec. 23. The Legislature may provide for the appointment of one or more persons in each organized county, and may vest in such persons such judicial powers as shall be prescribed by law. Provided, That said power shall not exceed that of a judge of the Circuit Court at chambers.

## ARTICLE VIII.

### *Finance.*

Section 1. The rule of taxation shall be uniform, and taxes shall be levied upon such property as the Legislature shall prescribe.

Sec. 2. No money shall be paid out of the treasury except in pursuance of an appropriation by law.

Sec. 3. The credit of the State shall never be given or loaned in aid of any individual, association, or corporation.

Sec. 4. The State shall never contract any public debt, except in the cases and manner herein provided.

Sec. 5. The Legislature shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year; and whenever the expenses of any year shall exceed the income, the Legislature shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year.

Sec. 6. For the purpose of defraying extraordinary expenditures, the State may contract public debts; but such debts shall never, in the aggregate, exceed one hundred thousand dollars. Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein; and the vote of a majority of all the members elected to each house, to be taken by yeas and nays, shall be necessary to the passage of such law; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal within five years from the passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes be postponed or diminished, until the principal and interest of such debt shall have been wholly paid.

Sec. 7. The Legislature may also borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized or to the repayment of the debt thereby created.

Sec. 8. On the passage in either house of the Legislature, of any law which imposes, continues or renews a tax, or creates a debt or charge, or makes, continues or renews an appropriation of public or trust money, or releases, discharges or commutes a claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered on the journal; and three-fifths of all the members elected to such house, shall in all such cases be required to constitute a quorum therein.

Sec. 9. No scrip, certificate or other evidence of State debt whatsoever, shall be issued, except for such debts as are authorized by the sixth and seventh sections of this article.

Sec. 10. The State shall never contract any debt for works of internal improvement, or be a party in carrying on such works; but whenever grants of land or other property shall have been made to the State, especially dedicated by the grant to particular works of internal improvement, the State may carry on such particular works, and shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

#### ARTICLE IX.

##### *Eminent Domain and Property of the State.*

Section 1. The State shall have concurrent jurisdiction on all rivers and lakes bordering on this State, so far as such rivers or lakes shall form a common boundary to the State, and any other State or territory now or hereafter to be formed and bounded by the same. And the river Mississippi and the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the State as to the citizens of the United States, without any tax, impost, or duty therefor.

Sec. 2. The title of all lands and other property, which have accrued to the territory of Wisconsin, by grant, gift, purchase, forfeiture, escheat or otherwise, shall vest in the State of Wisconsin.

Sec. 3. The people of the State, in their right of sovereignty, are declared to possess the ultimate property in and to all lands within the jurisdiction of the State; and all lands, the title to which shall fail from a defect of heirs, shall revert or escheat to the people.

#### ARTICLE X.

##### *Education.*

Section 1. The supervision of public instruction shall be vested in a State Superintendent, and such other officers as the Legislature shall direct. The State Superintendent shall be chosen by the qualified electors of the State, in such manner as the Legislature shall provide; his powers, duties and compensation shall be prescribed by law. Provided, That his compensation shall not exceed the sum of twelve hundred dollars annually.

Sec. 2. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, for educational purposes (except the lands heretofore granted for the purposes of a university), and all moneys, and the clear proceeds of all property, that may accrue to the State by forfeiture or escheat, and all moneys which may be paid as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys arising from any grant to the State where the purposes of such grant are not specified, and the five hundred thousand acres of land to which the State is entitled by the provisions of an act of Congress, entitled "An act to appropriate the proceeds of the sale of public lands, and to grant pre-emption rights," approved the fourth day of September, one thousand eight hundred and forty-one, and also the five per centum of the net proceeds of the public lands to which the State shall become entitled on her admission into the Union (if Congress shall consent to such appropriation of the two grants last mentioned), shall be set apart as a separate fund, to be called the school fund, the interest of which, and all other revenues derived from the school lands, shall be exclusively applied to the following objects, to-wit:

1. To the support and maintenance of common schools in each school district, and the purchase of suitable libraries and apparatus therefor.

2. The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor.

Sec. 3. The Legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable, and such schools shall be free and without charge for tuition to all children between the ages of four and twenty years, and no sectarian instruction shall be allowed therein.

Sec. 4. Each town and city shall be required to raise, by tax, annually, for the support of common schools therein, a sum not less than one-half the amount received by such town or city respectively for school purposes, from the income of the school fund.

Sec. 5. Provision shall be made by law for the distribution of the income of the school fund among the several towns and cities of the State, for the support of common schools therein, in some just proportion to the number of children and youth residing therein, between the ages of four and twenty years, and no appropriation shall be made from the school fund to any city or town for the year in which said city or town shall fail to raise such tax, nor to any school district for the year in which a school shall not be maintained at least three months.

Sec. 6. Provision shall be made by law for the establishment of a State University, at or near the seat of State government, and for connecting with the same from time to time, such colleges in different parts of the State as the interests of education may require. The proceeds of all lands that have been or may hereafter be granted by the United States to the State for the support of a university, shall be and remain a perpetual fund to be called the "University Fund," the interest of which shall be appropriated to the support of the State University, and no sectarian instructions shall be allowed in such university.

Sec. 7. The Secretary of State, Treasurer and Attorney-General shall constitute a board of commissioners for the sale of the school and university lands and for the investment of the funds arising therefrom. Any two of said commissioners shall be a quorum for the transaction of all business pertaining to the duties of their office.

Sec. 8. Provision shall be made by law for the sale of all school and university lands, after they shall have been appraised,

and when any portion of such lands shall be sold, and the purchase-money shall not be paid at the time of the sale, the commissioners shall take security by mortgage upon the land sold for the sum remaining unpaid, with seven per cent interest thereon, payable annually at the office of the Treasurer. The commissioners shall be authorized to execute a good and sufficient conveyance to all purchasers of such lands and to discharge any mortgages taken as security, when the sum due thereon shall have been paid. The commissioners shall have power to withhold from sale any portion of such lands when they shall deem it expedient, and shall invest all moneys arising from the sale of such lands, as well as all other university and school funds, in such manner as the Legislature shall provide, and shall give such security for the faithful performance of their duties as may be required by law.

#### ARTICLE XI

##### *Corporations.*

Section 1. Corporations without banking powers or privileges may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the objects of the corporation cannot be attained under general laws. All general laws or special acts enacted under the provisions of this section may be altered and repealed by the Legislature at any time after their passage.

Sec. 2. No municipal corporation shall take private property for public use against the consent of the owner, without the necessity thereof being first established by the verdict of a jury.

Sec. 3. It shall be the duty of the Legislature, and they are hereby empowered, to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments, and taxation, and in contracting debts by such municipal corporations.

Sec. 4. The Legislature shall not have power to create, authorize, or incorporate, by any general or special law, any bank or banking power or privilege, or any institution or corporation, having any banking power or privilege whatever, except as provided in this article.

Sec. 5. The Legislature may submit to the voters at any general election, the question of "bank or no bank," and if at any such election a number of votes equal to a majority of all the votes cast at such election on that subject shall be in favor of banks, then the Legislature shall have power to grant bank charters, or to pass a general banking law, with such restrictions, and under such regulations as they may deem expedient and proper for the security of the bill holders. Provided, That no such grant or law shall have any force or effect until the same shall have been submitted to a vote of the electors of the State at some general election, and been approved by a majority of the votes cast on that subject at such election.

## ARTICLE XII.

### *Amendments.*

Section 1. Any amendment or amendments to this Constitution may be proposed in either house of the Legislature, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election, and shall be published for three months previous to the time of holding such election. And if in the Legislature so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe, and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become part of the Constitution. Provided, That if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against such amendments separately.

Sec. 2. If at any time a majority of the Senate and Assembly shall deem it necessary to call a convention to revise or change this Constitution, they shall recommend to the electors to vote for or against a convention at the next election for members of the Legislature; and if it shall appear that a majority of the electors voting thereon have voted for a convention, the Legislature shall at its next session provide for calling such convention.

## ARTICLE XIII.

*Miscellaneous Provisions.*

Section 1. The political year for the State of Wisconsin shall commence on the first Monday in January in each year, and the general election shall be holden on the Tuesday succeeding the first Monday in November in each year.

Sec. 2. Any inhabitant of this State who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory, shall forever be disqualified as an elector, and from holding any office under the Constitution and laws of this State, and may be punished in such other manner as shall be prescribed by law.

Sec. 3. No Member of Congress, nor any person holding any office of profit or trust under the United States (postmasters excepted), or under any foreign power; no person convicted of any infamous crime in any court within the United States; and no person being a defaulter to the United States, or to this State, or to any county or town therein, or to any State or territory within the United States, shall be eligible to any office of trust, profit or honor in this State.

Sec. 4. It shall be the duty of the Legislature to provide a great seal for the State, which shall be kept by the Secretary of State, and all official acts of the Governor, his approbation of the laws excepted, shall be thereby authenticated.

Sec. 5. All persons residing upon Indian lands within any county of the State, and qualified to exercise the right of suffrage under this Constitution, shall be entitled to vote at the polls which may be held nearest their residence for State, United States or county officers. Provided, That no person shall vote for county officers out of the county in which he resides.

Sec. 6. The elective officers of the Legislature, other than the presiding officers, shall be a chief clerk and a sergeant-at-arms, to be elected by each house.

Sec. 7. No county with an area of nine hundred square miles or less, shall be divided or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.



Sec. 8. No county seat shall be removed until the point to which it is proposed to be removed, shall be fixed by law, and a majority of the voters of the county voting on the question shall have voted in favor of its removal to such point.

Sec. 9. All county officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of the respective counties, or appointed by the board of supervisors, or other county authorities as the Legislature shall direct. All city, town and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof as the Legislature shall designate for that purpose. All other officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed as the Legislature may direct.

Sec. 10. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy where no provision is made for that purpose in this Constitution.

#### ARTICLE XIV.

##### *Schedule.*

Section 1. That no inconvenience may arise by reason of a change from a territorial to a permanent State government, it is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no such change had taken place, and all such process which may be issued under the authority of the territory of Wisconsin previous to its admission into the Union of the United States, shall be as valid as if issued in the name of the State.

Sec. 2. All laws now in force in the territory of Wisconsin, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the Legislature.

Sec. 3. All fines, penalties or forfeitures accruing to the territory of Wisconsin, shall inure to the use of the State.

Sec. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a permanent State government, shall remain valid, and shall pass to, and

the time of his election, be a citizen of the United States, and have attained the age of twenty-five years, and be a qualified elector within the jurisdiction for which he may be chosen.

Sec. 11. The Supreme Court shall hold at least one term annually, at the seat of government of the State, at such time as shall be provided by law, and the Legislature may provide for holding other terms, and at other places, when they may deem it necessary. A Circuit Court shall be held at least twice in each year, in each county of this State, organized for judicial purposes. The judges of the Circuit Court may hold courts for each other, and shall do so when required by law.

Sec. 12. There shall be a clerk of the Circuit Court chosen in each county organized for judicial purposes, by the qualified electors thereof, who shall hold his office for two years, subject to removal, as shall be provided by law. In case of a vacancy, the judge of the Circuit Court shall have the power to appoint a clerk, until the vacancy shall be filled by an election. The clerk thus elected or appointed shall give such security as the Legislature may require; and when elected, shall hold his office for a full term. The Supreme Court shall appoint its own clerk, and the clerk of a Circuit Court may be appointed clerk of the Supreme Court.

Sec. 13. Any judge of the Supreme or Circuit Court may be removed from office by address of both houses of the Legislature, if two-thirds of all the members elect to each house concur therein; but no removal shall be made by virtue of this section, unless the judge complained of shall have been served with a copy of the charges against him as the ground of address, and shall have had an opportunity of being heard in his defense. On the question of removal, the ayes and noes shall be entered on the journals.

Sec. 14. There shall be chosen in each county, by the qualified electors thereof, a judge of probate, who shall hold his office for two years, and until his successor shall be elected and qualified, and whose jurisdiction, powers and duties shall be prescribed by law. Provided, however, That the Legislature shall have power to abolish the office of judge of probate in any county, and to confer probate powers upon such inferior courts as may be established in said county.

Sec. 15. The electors of the several towns, at their annual town meetings, and the electors of cities and villages, at their

charter elections, shall, in such manner as the Legislature may direct, elect justices of the peace, whose term of office shall be for two years, and until their successors in office shall be elected and qualified. In case of an election to fill a vacancy occurring before the expiration of a full term, the justice elected shall hold for the residue of the unexpired term. Their number and classifications shall be regulated by law. And the tenure of two years shall in no wise interfere with the classification in the first instance. The justices thus elected shall have such civil and criminal jurisdiction as shall be prescribed by law.

Sec. 16. The Legislature shall pass laws for the regulation of tribunals of conciliation, defining their powers and duties. Such tribunals may be established in and for any township, and shall have power to render judgment to be obligatory on the parties, when they shall voluntarily submit their matter in difference to arbitration, and agree to abide the judgment, or assent thereto in writing.

Sec. 17. The style of all writs and process shall be, "The State of Wisconsin." All criminal prosecutions shall be carried on in the name and by the authority of the same; and all indictments shall conclude against the peace and dignity of the State.

Sec. 18. The Legislature shall impose a tax on all civil suits commenced or prosecuted in the municipal, inferior, or circuit courts, which shall constitute a fund to be applied toward the payment of the salary of the judges.

Sec. 19. The testimony in causes in equity shall be taken in like manner as in cases at law; and the office of master in chancery is hereby prohibited.

Sec. 20. Any suitor in any court in this State shall have the right to prosecute or defend his suit either in his own proper person or by an attorney or agent of his choice.

Sec. 21. The Legislature shall provide by law for the speedy publication of all statute laws, and of such judicial decisions made within the State, as may be deemed expedient. And no general law shall be in force until published.

Sec. 22. The Legislature, at its first session after the adoption of this Constitution, shall provide for the appointment of three commissioners, whose duty it shall be to inquire into, revise, and simplify the rules of practice, pleadings, forms, and proceedings, and arrange a system adapted to the courts of record of this State, and report the same to the Legislature, sub-

ject to their modification and adoption; and such commission shall terminate upon the rendering of the report, unless otherwise provided by law.

Sec. 23. The Legislature may provide for the appointment of one or more persons in each organized county, and may vest in such persons such judicial powers as shall be prescribed by law. Provided, That said power shall not exceed that of a judge of the Circuit Court at chambers.

## ARTICLE VIII.

### *Finance.*

Section 1. The rule of taxation shall be uniform, and taxes shall be levied upon such property as the Legislature shall prescribe.

Sec. 2. No money shall be paid out of the treasury except in pursuance of an appropriation by law.

Sec. 3. The credit of the State shall never be given or loaned in aid of any individual, association, or corporation.

Sec. 4. The State shall never contract any public debt, except in the cases and manner herein provided.

Sec. 5. The Legislature shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year; and whenever the expenses of any year shall exceed the income, the Legislature shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year.

Sec. 6. For the purpose of defraying extraordinary expenditures, the State may contract public debts; but such debts shall never, in the aggregate, exceed one hundred thousand dollars. Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein; and the vote of a majority of all the members elected to each house, to be taken by yeas and nays, shall be necessary to the passage of such law; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal within five years from the passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes be postponed or diminished, until the principal and interest of such debt shall have been wholly paid.

Sec. 7. The Legislature may also borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized or to the repayment of the debt thereby created.

Sec. 8. On the passage in either house of the Legislature, of any law which imposes, continues or renews a tax, or creates a debt or charge, or makes, continues or renews an appropriation of public or trust money, or releases, discharges or commutes a claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered on the journal; and three-fifths of all the members elected to such house, shall in all such cases be required to constitute a quorum therein.

Sec. 9. No scrip, certificate or other evidence of State debt whatsoever, shall be issued, except for such debts as are authorized by the sixth and seventh sections of this article.

Sec. 10. The State shall never contract any debt for works of internal improvement, or be a party in carrying on such works; but whenever grants of land or other property shall have been made to the State, especially dedicated by the grant to particular works of internal improvement, the State may carry on such particular works, and shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

#### ARTICLE IX.

##### *Eminent Domain and Property of the State.*

Section 1. The State shall have concurrent jurisdiction on all rivers and lakes bordering on this State, so far as such rivers or lakes shall form a common boundary to the State, and any other State or territory now or hereafter to be formed and bounded by the same. And the river Mississippi and the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the State as to the citizens of the United States, without any tax, impost, or duty therefor.

Sec. 2. The title of all lands and other property, which have accrued to the territory of Wisconsin, by grant, gift, purchase, forfeiture, escheat or otherwise, shall vest in the State of Wisconsin.

Sec. 3. The people of the State, in their right of sovereignty, are declared to possess the ultimate property in and to all lands within the jurisdiction of the State; and all lands, the title to which shall fail from a defect of heirs, shall revert or escheat to the people.

#### ARTICLE X.

##### *Education.*

Section 1. The supervision of public instruction shall be vested in a State Superintendent, and such other officers as the Legislature shall direct. The State Superintendent shall be chosen by the qualified electors of the State, in such manner as the Legislature shall provide; his powers, duties and compensation shall be prescribed by law. Provided, That his compensation shall not exceed the sum of twelve hundred dollars annually.

Sec. 2. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, for educational purposes (except the lands heretofore granted for the purposes of a university), and all moneys, and the clear proceeds of all property, that may accrue to the State by forfeiture or escheat, and all moneys which may be paid as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys arising from any grant to the State where the purposes of such grant are not specified, and the five hundred thousand acres of land to which the State is entitled by the provisions of an act of Congress, entitled "An act to appropriate the proceeds of the sale of public lands, and to grant pre-emption rights," approved the fourth day of September, one thousand eight hundred and forty-one, and also the five per centum of the net proceeds of the public lands to which the State shall become entitled on her admission into the Union (if Congress shall consent to such appropriation of the two grants last mentioned), shall be set apart as a separate fund, to be called the school fund, the interest of which, and all other revenues derived from the school lands, shall be exclusively applied to the following objects, to-wit:

1. To the support and maintenance of common schools in each school district, and the purchase of suitable libraries and apparatus therefor.

2. The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor.

Sec. 3. The Legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable, and such schools shall be free and without charge for tuition to all children between the ages of four and twenty years, and no sectarian instruction shall be allowed therein.

Sec. 4. Each town and city shall be required to raise, by tax, annually, for the support of common schools therein, a sum not less than one-half the amount received by such town or city respectively for school purposes, from the income of the school fund.

Sec. 5. Provision shall be made by law for the distribution of the income of the school fund among the several towns and cities of the State, for the support of common schools therein, in some just proportion to the number of children and youth residing therein, between the ages of four and twenty years, and no appropriation shall be made from the school fund to any city or town for the year in which said city or town shall fail to raise such tax, nor to any school district for the year in which a school shall not be maintained at least three months.

Sec. 6. Provision shall be made by law for the establishment of a State University, at or near the seat of State government, and for connecting with the same from time to time, such colleges in different parts of the State as the interests of education may require. The proceeds of all lands that have been or may hereafter be granted by the United States to the State for the support of a university, shall be and remain a perpetual fund to be called the "University Fund," the interest of which shall be appropriated to the support of the State University, and no sectarian instructions shall be allowed in such university.

Sec. 7. The Secretary of State, Treasurer and Attorney-General shall constitute a board of commissioners for the sale of the school and university lands and for the investment of the funds arising therefrom. Any two of said commissioners shall be a quorum for the transaction of all business pertaining to the duties of their office.

Sec. 8. Provision shall be made by law for the sale of all school and university lands, after they shall have been appraised,





Sec. 5. The Legislature may submit to the voters at any general election, the question of "bank or no bank," and if at any such election a number of votes equal to a majority of all the votes cast at such election on that subject shall be in favor of banks, then the Legislature shall have power to grant bank charters, or to pass a general banking law, with such restrictions, and under such regulations as they may deem expedient and proper for the security of the bill holders. Provided, That no such grant or law shall have any force or effect until the same shall have been submitted to a vote of the electors of the State at some general election, and been approved by a majority of the votes cast on that subject at such election.

## ARTICLE XII

### *Amendments.*

Section 1. Any amendment or amendments to this Constitution may be proposed in either house of the Legislature, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election, and shall be published for three months previous to the time of holding such election. And if in the Legislature so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe, and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become part of the Constitution. Provided, That if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against such amendments separately.

Sec. 2. If at any time a majority of the Senate and Assembly shall deem it necessary to call a convention to revise or change this Constitution, they shall recommend to the electors to vote for or against a convention at the next election for members of the Legislature; and if it shall appear that a majority of the electors voting thereon have voted for a convention, the Legislature shall at its next session provide for calling such convention.

## ARTICLE XIII.

*Miscellaneous Provisions.*

Section 1. The political year for the State of Wisconsin shall commence on the first Monday in January in each year, and the general election shall be holden on the Tuesday succeeding the first Monday in November in each year.

Sec. 2. Any inhabitant of this State who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory, shall forever be disqualified as an elector, and from holding any office under the Constitution and laws of this State, and may be punished in such other manner as shall be prescribed by law.

Sec. 3. No Member of Congress, nor any person holding any office of profit or trust under the United States (postmasters excepted), or under any foreign power; no person convicted of any infamous crime in any court within the United States; and no person being a defaulter to the United States, or to this State, or to any county or town therein, or to any State or territory within the United States, shall be eligible to any office of trust, profit or honor in this State.

Sec. 4. It shall be the duty of the Legislature to provide a great seal for the State, which shall be kept by the Secretary of State, and all official acts of the Governor, his approbation of the laws excepted, shall be thereby authenticated.

Sec. 5. All persons residing upon Indian lands within any county of the State, and qualified to exercise the right of suffrage under this Constitution, shall be entitled to vote at the polls which may be held nearest their residence for State, United States or county officers. Provided, That no person shall vote for county officers out of the county in which he resides.

Sec. 6. The elective officers of the Legislature, other than the presiding officers, shall be a chief clerk and a sergeant-at-arms, to be elected by each house.

Sec. 7. No county with an area of nine hundred square miles or less, shall be divided or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.

Sec. 8. No county seat shall be removed until the point to which it is proposed to be removed, shall be fixed by law, and a majority of the voters of the county voting on the question shall have voted in favor of its removal to such point.

Sec. 9. All county officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of the respective counties, or appointed by the board of supervisors, or other county authorities as the Legislature shall direct. All city, town and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof as the Legislature shall designate for that purpose. All other officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed as the Legislature may direct.

Sec. 10. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy where no provision is made for that purpose in this Constitution.

#### ARTICLE XIV.

##### *Schedule.*

Section 1. That no inconvenience may arise by reason of a change from a territorial to a permanent State government, it is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no such change had taken place, and all such process which may be issued under the authority of the territory of Wisconsin previous to its admission into the Union of the United States, shall be as valid as if issued in the name of the State.

Sec. 2. All laws now in force in the territory of Wisconsin, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the Legislature.

Sec. 3. All fines, penalties or forfeitures accruing to the territory of Wisconsin, shall inure to the use of the State.

Sec. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a permanent State government, shall remain valid, and shall pass to, and

may be prosecuted in the name of the State, and all bonds executed to the Governor of the territory, or to any other officer or court, in his or their official capacity, shall pass to the Governor or State authority, and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all the estate or property, real, personal or mixed, and all judgments, bonds, specialties, choses in action, and claims or debts of whatever description, of the territory of Wisconsin, shall inure to and vest in the State of Wisconsin, and may be sued for and recovered in the same manner and to the same extent by the State of Wisconsin as the same could have been by the territory of Wisconsin. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offenses committed against the laws of the territory of Wisconsin, before the change from a territorial to a State government, and which shall not be prosecuted before such change may be prosecuted in the name and by the authority of the State of Wisconsin, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this Constitution had not been adopted. All actions at law, and suits in equity, which may be pending in any of the courts of the territory of Wisconsin, at the time of the change from a territorial to a State government, may be continued and transferred to any court of the State which shall have jurisdiction of the subject-matter thereof.

Sec. 5. All officers, civil and military, now holding their offices under the authority of the United States, or of the territory of Wisconsin, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the State.

Sec. 6. The first session of the Legislature of the State of Wisconsin shall commence on the first Monday in June next, and shall be held at the village of Madison, which shall be and remain the seat of government until otherwise provided by law.

Sec. 7. All county, precinct, and township officers shall continue to hold their respective offices, unless removed by the competent authority, until the Legislature shall, in conformity with the provisions of this Constitution, provide for the holding of elections to fill such offices respectively.

Sec. 8. The president of this convention shall, immediately after its adjournment, cause a fair copy of this Constitution, together with a copy of the act of the Legislature of this territory, entitled "An act in relation to the formation of a State government in Wisconsin, and to change the time of holding the annual session of the Legislature," approved October 27, 1847, providing for the calling of this convention, and also a copy of so much of the last census of the territory as exhibits the number of its inhabitants, to be forwarded to the president of the United States, to be laid before the Congress of the United States at its present session.

Sec. 9. This Constitution shall be submitted at an election to be held on the second Monday in March next, for ratification or rejection, to all white male persons of the age of twenty-one years or upwards, who shall then be residents of this territory and citizens of the United States, or shall have declared their intention to become such in conformity with the laws of Congress on the subject of naturalization; and all persons having such qualifications shall be entitled to vote for or against the adoption of this Constitution, and for all officers first elected under it. And if the Constitution be ratified by said electors, it shall become the Constitution of the State of Wisconsin. On such of the ballots as are for the Constitution, shall be written or printed the word "yes;" and on such as are against the Constitution, the word "no." The election shall be conducted in the manner now prescribed by law, and the returns made by the clerks of the boards of supervisors or county commissioners (as the case may be) to the Governor of the territory, at any time before the tenth of April next. And in the event of the ratification of this Constitution, by a majority of all the votes given, it shall be the duty of the Governor of this territory to make proclamation of the same, and to transmit a digest of the returns to the Senate and Assembly of the State, on the first day of their session. An election shall be held for Governor and Lieutenant-Governor, Treasurer, Attorney-General, members of the State Legislature and Members of Congress, on the second Monday of May next, and no other or further notice of such election shall be required.

Sec. 10. Two members of Congress shall also be elected on the second Monday of May next; and until otherwise provided by law, the counties of Milwaukee, Waukesha, Jefferson, Racine,

Walworth, Rock and Green shall constitute the first Congressional district, and elect one member; and the counties of Washington, Sheboygan, Manitowoc, Calumet, Brown, Winnebago, Fond du Lac, Marquette, Sauk, Portage, Columbia, Dodge, Wane, Iowa, LaFayette, Grant, Richland, Crawford, Chippewa, St. Croix and La Pointe shall constitute the second Congressional district, and shall elect one member.

Sec. 11. The several elections provided for in this article shall be conducted according to the existing laws of the territory. Provided, That no elector shall be entitled to vote, except in the town, ward or precinct where he resides. The returns of election, for Senators and Members of Assembly, shall be transmitted to the clerk of the board of supervisors, or county commissioners, as the case may be, and the votes shall be canvassed, and certificates of election issued, as now provided by law. In the first senatorial district, the returns of the election for Senator shall be made to the proper officer in the county of Brown; in the second senatorial district to the proper officer in the county of Columbia; in the third senatorial district, to the proper officer in the county of Crawford; in the fourth senatorial district, to the proper officer in the county of Fond du Lac; and in the fifth senatorial district, to the proper officer in the county of Iowa. The returns of election for State officers and members of Congress shall be certified and transmitted to the speaker of the Assembly, at the seat of government, in the same manner as the votes for delegate to Congress are required to be certified and returned, by the laws of the territory of Wisconsin, to the secretary of said territory, and in such time that they may be received on the first Monday in June next; and as soon as the Legislature shall be organized, the Speaker of the Assembly and the President of the Senate shall in the presence of both houses, examine the returns, and declare who are duly elected to fill the several offices hereinbefore mentioned, and give to each of the persons elected, a certificate of his election.

Sec. 12. Until there shall be a new apportionment, the Senators and Members of the Assembly shall be apportioned among the several districts, as hereinbefore mentioned, and each district shall be entitled to elect one Senator or Member of the Assembly, as the case may be.

The counties of Brown, Calumet, Manitowoc and Sheboygan shall constitute the first Senate district.

The counties of Columbia, Marquette, Portage and Sauk shall constitute the second Senate district.

The counties of Crawford, Chippewa, St. Croix and La Pointe shall constitute the third Senate district.

The counties of Fond du Lac and Winnebago shall constitute the fourth Senate district.

The counties of Iowa and Richland shall constitute the fifth Senate district.

The county of Grant shall constitute the sixth Senate district.

The county of La Fayette shall constitute the seventh Senate district.

The county of Green shall constitute the eighth Senate district.

The county of Dane shall constitute the ninth Senate district.

The county of Dodge shall constitute the tenth Senate district.

The county of Washington shall constitute the eleventh Senate district.

The county of Jefferson shall constitute the twelfth Senate district.

The county of Waukesha shall constitute the thirteenth Senate district.

The county of Walworth shall constitute the fourteenth Senate district.

The county of Rock shall constitute the fifteenth Senate district.

The towns of Southport, Pike, Pleasant Prairie, Paris, Bristol, Brighton, Salem and Wheatland, in the county of Racine, shall constitute the sixteenth Senate district.

The towns of Racine, Caledonia, Mount Pleasant, Raymond, Norway, Rochester, Yorkville and Burlington, in the county of Racine, shall constitute the seventeenth Senate district.

The third, fourth and fifth wards of the city of Milwaukee, and the towns of Lake, Oak Creek, Franklin and Greenfield, in the county of Milwaukee, shall constitute the eighteenth Senate district.

The first and second wards of the city of Milwaukee, and the towns of Milwaukee, Wauwatosa and Granville, in the county of Milwaukee, shall constitute the nineteenth Senate district.

The county of Brown shall constitute an Assembly district.

The county of Calumet shall constitute an Assembly district.  
The county of Manitowoc shall constitute an Assembly district.

The county of Columbia shall constitute an Assembly district.  
The counties of Crawford and Chippewa shall constitute an Assembly district.

The counties of St. Croix and La Pointe shall constitute an Assembly district.

The towns of Windsor, Sun Prairie and Cottage Grove, in the county of Dane, shall constitute an Assembly district.

The towns of Madison, Cross Plains, Clarkson, Springfield, Verona, Montrose, Oregon and Greenfield, in the county of Dane, shall constitute an Assembly district.

The towns of Rome, Dunkirk, Christiana, Albion and Rutland, in the county of Dane, shall constitute an Assembly district.

The towns of Burnett, Chester, Le Roy and Williamstown, in the county of Dodge, shall constitute an Assembly district.

The towns of Fairfield, Hubbard and Rubicon, in the county of Dodge, shall constitute an Assembly district.

The towns of Hustisford, Ashippun, Lebanon and Emmett, in the county of Dodge, shall constitute an Assembly district.

The towns of Elba, Lowell, Portland and Clyman, in the county of Dodge, shall constitute an Assembly district.

The towns of Calamus, Beaver Dam, Fox Lake and Trenton, in the county of Dodge, shall constitute an Assembly district.

The towns of Calumet, Forest, Auburn, Byron, Taycheedah and Fond du Lac, in the county of Fond du Lac, shall constitute an Assembly district.

The towns of Alto, Metomen, Ceresco, Rosendale, Waupun, Oakfield and Seven Mile Creek, in the county of Fond du Lac, shall constitute an Assembly district.

The precincts of Hazel Green, Fairplay, Smelser's Grove, and Jamestown, in the county of Grant, shall constitute an Assembly district.

The precincts of Platteville, Head of Platte, Centreville, Muscoda and Fennimore, in the county of Grant, shall constitute an Assembly district.

The precincts of Pleasant Valley, Potosi, Waterloo, Hurricane and New Lisbon, in the county of Grant, shall constitute an Assembly district.



The precincts of Beetown, Patch Grove, Cassville, Millville and Lancaster, in the county of Grant, shall constitute an Assembly district.

The county of Green shall constitute an Assembly district.

The precincts of Dallas, Peddlers Creek, Mineral Point and Yellow Stone, in the county of Iowa, shall constitute an Assembly district.

The precincts of Franklin, Dodgeville, Porter's Grove, Arena and Purcussion, in the county of Iowa and the county of Richland, shall constitute an Assembly district.

The towns of Watertown, Aztalan and Waterloo, in the county of Jefferson, shall constitute an Assembly district.

The towns of Ixonia, Concord, Sullivan, Hebron, Cold Spring and Palmyra, in the county of Jefferson, shall constitute an Assembly district.

The towns of Lake Mills, Oakland, Koshkonong, Farmington and Jefferson, in the county of Jefferson, shall constitute an Assembly district.

The precincts of Benton, Elk Grove, Belmont, Willow Springs, Prairie, and that part of Shullsburgh precinct north of town one, in the county of La Fayette, shall constitute an Assembly district.

The precincts of Wiota, Wayne, Gratiot, White Oak Springs, Fever River, and that part of Shullsburgh precinct south of town two, in the county of LaFayette, shall constitute an Assembly district.

The county of Marquette shall constitute an Assembly district.

The first ward of the city of Milwaukee shall constitute an Assembly district.

The second ward of the city of Milwaukee shall constitute an Assembly district.

The third ward of the city of Milwaukee shall constitute an Assembly district.

The fourth and fifth wards of the city of Milwaukee shall constitute an Assembly district.

The towns of Franklin and Oak Creek, in the county of Milwaukee, shall constitute an Assembly district.

The towns of Greenfield and Lake, in the county of Milwaukee, shall constitute an Assembly district.

The towns of Granville, Wauwatosa and Milwaukee, in the county of Milwaukee, shall constitute an Assembly district.

The county of Portage shall constitute an Assembly district.

The town of Racine, in the county of Racine, shall constitute an Assembly district.

The towns of Norway, Raymond, Caledonia and Mount Pleasant, in the county of Racine, shall constitute an Assembly district.

The towns of Rochester, Burlington and Yorkville, in the county of Racine, shall constitute an Assembly district.

The towns of Southport, Pike and Pleasant Prairie, in the county of Racine, shall constitute an Assembly district.

The towns of Paris, Bristol, Brighton, Salem and Wheatland, in the county of Racine, shall constitute an Assembly district.

The towns of Janesville and Bradford, in the county of Rock, shall constitute an Assembly district.

The towns of Beloit, Turtle and Clinton, in the county of Rock, shall constitute an Assembly district.

The towns of Magnolia, Union, Porter and Fulton, in the county of Rock, shall constitute an Assembly district.

The towns of Milton, Lima and Johnstown, in the county of Rock, shall constitute an Assembly district.

The towns of Newark, Rock, Avon, Spring Valley and Center, in the county of Rock, shall constitute an Assembly district. Provided, That if the Legislature shall divide the town of Center, they may attach such part of it to the district lying next north as they deem expedient.

The county of Sauk shall constitute an Assembly district.

Precincts numbered one, three and seven, in the county of Sheboygan, shall constitute an Assembly district.

Precincts numbered two, four, five and six, in the county of Sheboygan, shall constitute an Assembly district.

The towns of Troy, East Troy, and Spring Prairie, in the county of Walworth, shall constitute an Assembly district.

The towns of Whitewater, Richmond and Le Grange, in the county of Walworth, shall constitute an Assembly district.

The towns of Geneva, Hudson and Bloomfield, in the county of Walworth, shall constitute an Assembly district.

The towns of Darien, Sharon, Walworth and Linn, in the county of Walworth, shall constitute an Assembly district.

The towns of Delavan, Sugar Creek, La Fayette and Elkhorn, in the county of Walworth, shall constitute an Assembly district.

The towns of Lisbon, Menomonee and Brookfield, in the county of Waukesha, shall constitute an Assembly district.

The towns of Warren, Oconomowoc, Summit and Ottawa, in the county of Waukesha, shall constitute an Assembly district.

The towns of Delafield, Genesee and Pewaukee, in the county of Waukesha, shall constitute an Assembly district.

The towns of Waukesha and New Berlin, in the county of Waukesha, shall constitute an Assembly district.

The towns of Eagle, Mukwonago, Vernon and Muskego, in the county of Waukesha, shall constitute an Assembly district.

The towns of Port Washington, Fredonia and Clarence, in the county of Washington, shall constitute an Assembly district.

The towns of Grafton and Jackson, in the county of Washington, shall constitute an Assembly district.

The towns of Mequon and Germantown, in the county of Washington shall constitute an Assembly district.

The towns of Polk, Richfield and Erin, in the county of Washington, shall constitute an Assembly district.

The towns of Hartford, Addison, West Bend and North Bend, in the county of Washington, shall constitute an Assembly district.

The county of Winnebago shall constitute an Assembly district.

The foregoing districts are subject, however, so far to be altered that when any new town shall be organized, it may be added to either of the adjoining Assembly districts.

Sec. 13. Such parts of the common law as are now in force in the territory of Wisconsin, not inconsistent with this Constitution, shall be and continue part of the law of this State until altered or suspended by the Legislature.

Sec. 14. The Senators first elected in the even numbered Senate districts, the Governor, Lieutenant-Governor, and other State officers first elected under this Constitution, shall enter upon the duties of their respective offices on the first Monday of June next, and shall continue in office for one year from the first Monday of January next. The Senators first elected in the odd numbered Senate districts, and the Members of the Assembly first elected shall enter upon their duties respectively on the first Monday of June next, and shall continue in office until the first Monday in January next.

Sec. 15. The oath of office may be administered by any judge or justice of the peace, until the Legislature shall otherwise direct.

*Resolutions.*

Resolved, That the Congress of the United States be, and is hereby requested, upon the application of Wisconsin for admission into the Union, so to alter the provisions of an act of Congress, entitled "An act to grant a quantity of land to the territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river," approved June eighteenth, eighteen hundred and thirty-eight, and so to alter the terms and conditions of the grant made therein, that the odd numbered sections thereby granted, and remaining unsold, may be held and disposed of by the State of Wisconsin, as a part of the five hundred thousand acres of land to which said State is entitled by the provisions of an act of Congress, entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the fourth day of September, eighteen hundred and forty-one; and further, that the even numbered sections reserved by Congress may be offered for sale by the United States for the same minimum price, and subject to the same rights of pre-emption as other public lands of the United States.

Resolved, That Congress be further requested to pass an act whereby the excess price over and above one dollar and twenty-five cents per acre, which may have been paid by the purchasers of said even numbered sections which shall have been sold by the United States, be refunded to the present owners thereof, or they be allowed to enter any of the public lands of the United States, to an amount equal in value to the excess so paid.

Resolved, That in case the odd numbered sections shall be ceded to the State as aforesaid, the same shall be sold by the State in the same manner as other school lands. Provided, That the same rights of pre-emption as are now granted by the laws of the United States shall be secured to persons who may be actually settled upon such lands at the time of the adoption of this constitution. And provided further, that the excess price over and above one dollar and twenty-five cents per acre, absolutely or conditionally contracted to be paid by the purchasers of any part of said sections which shall have been sold by the territory of Wisconsin, shall be remitted to such purchasers, their representatives or assigns.

Resolved, That Congress be requested, upon the application of Wisconsin for admission into the Union, to pass an act whereby

the grant of five hundred thousand acres of land, to which the State of Wisconsin is entitled by the provisions of an act of Congress, entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the fourth day of September, eighteen hundred and forty-one, and also the five per centum of the net proceeds of the public lands lying within the State, to which it shall become entitled on its admission into the Union, by the provisions of an act of Congress, entitled "An act to enable the people of Wisconsin territory to form a constitution and State government, and for the admission of such State into the Union," approved the sixth day of August, eighteen hundred and forty-six, shall be granted to the State of Wisconsin for the use of schools, instead of the purposes mentioned in said acts of Congress respectively.

Resolved, That the Congress of the United States be, and hereby is requested, upon the admission of this State into the Union, so to alter the provisions of the act of Congress, entitled "An act to grant certain quantity of land to aid in the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal in the territory of Wisconsin," that the price of the lands reserved to the United States shall be reduced to the minimum price of the public lands.

Resolved, That the Legislature of this State shall make provision by law for the sale of the lands granted to the State in aid of said improvements, subject to the same rights of pre-emption to the settlers thereon, as are now allowed by law to the settlers on the public lands.

Resolved, That the foregoing resolutions be appended to and signed with the constitution of Wisconsin, and submitted therewith to the people of this territory, and to the Congress of the United States.

We, the undersigned, members of the convention to form a constitution for the State of Wisconsin, to be submitted to the people thereof for their ratification or rejection, do hereby certify that the foregoing is the constitution adopted by the convention.

In testimony whereof we have hereunto set our hands, at Madison, the first day of February, A. D. eighteen hundred and forty-eight.

MORGAN L. MARTIN,  
President of the Convention and Delegate from Brown County.

THOS. M'HUGH, Secretary.

G. W. FEATHERSTONHAUGH, Calumet.

JAMES T. LEWIS, Columbia.

DANIEL G. FENTON, Crawford.

WILLIAM H. FOX, CHARLES M. NICHOLS, WILLIAM A. WHEELER, Dane.

STODDARD JUDD, CHARLES H. LARRABEE, SAMUEL W. LYMAN, Dodge.

SAMUEL W. BEALL, WARREN CHASE, Fond du Lac.

ORSAMUS COLE, GEORGE W. LAKIN, ALEXANDER D. RAMSAY, WILLIAM RICHARDSON, JOHN HAWKINS ROUNDTREE, Grant.

JAMES BIGGS, Green.

CHARLES BISHOP, STEPHEN P. HOLLENBECK, JOSEPH WARD, Iowa.

JONAS FOLTS, MILO JONES, THEODORE PRENTISS, ABRAM VANDERPOOL, Jefferson.

CHARLES DUNN, JOHN O'CONNOR, ALLEN WARREN, La Fayette.

JOHN L. DORAN, GARRETT M. FITZGERALD, ALBERT FOWLER, BYRON KILBOURN, RUFUS KING, CHARLES H. LARKIN, MORITZ SCHOEFFLER, Milwaukee.

WILLIAM H. KENNEDY, Portage.

ALBERT G. COLE, STEPHEN A. DAVENPORT, ANDREW B. JACKSON, FREDERICK S. LOVELL, SAMUEL R. MCLELLAN, JAMES D. REYMERT, HORACE T. SANDERS, THEODORE SECOR, Racine.

ALMERIN M. CARTER, JOSEPH COLLEY, PAUL CRANDALL, EZRA A. FOOT, LOUIS P. HARVEY, EDWARD V. WHITON, Rock.

SILAS STEADMAN, Sheboygan.

EXPERIENCE ESTABROOK, GEORGE GALE, JAMES HARRINGTON, AUGUSTUS C. KINNE, HOLLIS LATHAM, EZRA A. MULFORD, Walworth.

JAMES FAGAN, PATRICK PENTONY, HARVEY G. TURNER, Washington.

SQUIRE S. CHASE, ALFRED L. CASTLEMAN, PETER D. GIFFORD, ELEAZOR ROOT, GEORGE SCAGEL, Waukesha.  
HARRISON REED, Winnebago.

**Amendments.****ARTICLE I.**

Section 8. No person shall be held to answer for a criminal offense without due process of law, and no person, for the same offense, shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it.

**ARTICLE III.**

Section 1. Every male person of the age of twenty-one years or upwards belonging to either of the following classes who shall have resided within the State for one year next preceding any election, and in the election district where he offers to vote such time as may be prescribed by the Legislature, not exceeding thirty days, shall be deemed a qualified elector at such election:

1. Citizens of the United States.

2. Persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States on the subject of naturalization.

3. Persons of Indian blood who have once been declared by law of Congress to be citizens of the United States, any subsequent law of Congress to the contrary notwithstanding.

4. Civilized persons of Indian descent not members of any tribe; provided, that the Legislature may at any time extend by law the right of suffrage to persons not herein enumerated; but no such law shall be in force until the same shall be submitted to a vote of the people at a general election and approved by a majority of all the votes cast at such election; and provided further, that in incorporated cities and villages, the Legislature may provide for the registration of electors and prescribe proper rules and regulations therefor.

**ARTICLE IV.**

Sec. 4. The members of the Assembly shall be chosen biennially, by single districts, on the Tuesday succeeding the first Monday of November after the adoption of this amendment, by the qualified electors of the several districts; such districts to

shall elect one of its members speaker; each house shall choose its own officers, and shall judge of the election returns and qualifications of its members.

Sec. 11. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

Sec. 12. Each house shall have power to determine the rules of its proceedings, and to punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence or offers of bribes or private solicitation, and with the concurrence of two-thirds, to expel a member, and shall have all other powers necessary to the legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either house of the legislature, and punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same offense.

Sec. 13. Each house shall keep a journal of its proceedings and may in its discretion, from time to time, publish the same, except such parts as require secrecy, and the yeas and nays on any question, shall, at the request of two members, be entered on the journal.

Sec. 14. The sessions of each house and of the committee of the whole shall be open unless the business is such as requires secrecy.

Sec. 15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. 16. The members of the legislature shall, in all cases, except treason, felony, violation of their oath of office and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

Sec. 17. The sole power of impeachment shall vest in the House of Representatives; the concurrence of a majority of all the members being necessary to the exercise thereof. Impeachment shall be tried by the Senate sitting for that purpose and the Senators shall be upon oath or affirmation to do justice according to law and evidence. When the Governor is on trial the chief



justice of the Supreme Court shall preside. No person shall be convicted without a concurrence of two-thirds of the Senators elected.

Sec. 18. The Governor and other State and judicial officers except justices of the peace, shall be liable to impeachment for high crimes and misdemeanors, or malfeasance in office but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust or profit under the laws of the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

Sec. 19. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

Sec. 20. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

Sec. 21. The enacting clause of every law shall be as follows: "Be it Enacted by the Legislature of the State of Wyoming."

Sec. 22. No bill for the appropriation of money, except for the expenses of the government, shall be introduced within five (5) days of the close of the session, except by unanimous consent of the house in which it is sought to be introduced.

Sec. 23. No bill shall be considered or become a law unless referred to a committee, returned therefrom and printed for the use of the members.

Sec. 24. No bill, except general appropriation bills and bills for the codification and general revision of the laws, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject is embraced in any act which is not expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

Sec. 25. No bill shall become a law except by a vote of a majority of all the members elected to each house, nor unless on its final passage the vote taken by ayes and noes, and the names of those voting be entered on the journal.

Sec. 26. No law shall be revised or amended, or the provisions thereof extended by reference to its title only, but so much thereof as is revised, amended or extended, shall be re-enacted and published at length.

Sec. 27. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering or working roads or highways; vacating roads, town plats, streets, alleys or public grounds; locating or changing county seats; regulating county or township affairs; incorporation of cities, towns or villages, or changing or amending the charters of any cities, towns or villages; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace, police magistrates or constables; changing the rules of evidence in any trial or inquiry; providing for change of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions; giving effect to any informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; chartering or licensing ferries or bridge or toll roads; chartering banks, insurance companies and loan and trust companies; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, percentages or allowances of public officers; changing the law of descent; granting to any corporation, association or individual, the right to lay down railroad tracks or any exclusive or special privileges, immunity or franchise whatever, or amending existing charter for such purpose; for punishment of crimes; changing the names of persons or places; for the assessment or collection of taxes; affecting estates of deceased persons, minors or others under legal disabilities; extending the time for the collection of taxes; refunding money paid into the State Treasury; relinquishing or extinguishing, in whole or in part, the indebtedness, liabilities or obligations of any corporation or person to this State or to any municipal corporation therein; exempting property from taxation; restoring to citizenship persons convicted of infamous crimes; authorizing the creation, extension or impairing of liens; creating offices or prescribing the powers or duties of officers in counties, cities, townships or school districts; or authorizing the adoption or legitimation of children. In all cases where a general law can be made applicable no special law shall be enacted.

**Sec. 28.** The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature; immediately after their titles have been publicly read, and the fact of signing shall be at once entered upon the journal.

**Sec. 29.** The Legislature shall prescribe by law the number, duties and compensation of the officers and employes of each house, and no payment shall be made from the State Treasury, or be in any way authorized to any such person except to an acting officer or employe elected or appointed in pursuance of law.

**Sec. 30.** No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor, after services are rendered or contract made.

**Sec. 31.** All stationery, printing, paper, fuel and lights used in the Legislature and other departments of government shall be furnished and the printing and binding of the laws, journals and department reports and other printing and binding, and the repairing and furnishing of the halls and rooms used for the meeting of the Legislature and its committees shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the Governor and State Treasurer.

**Sec. 32.** Except as otherwise provided in this Constitution, no law shall extend the term of any public officer or increase or diminish his salary or emolument after his election or appointment; but this shall not be construed to forbid the Legislature from fixing the salaries or emoluments of those officers first elected or appointed under this Constitution, if such salaries or emoluments are not fixed by its provisions.

**Sec. 33.** All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments, as in case of other bills.

**Sec. 34.** The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the Legislative, Executive and Judicial Departments of the State, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.



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CONSTITUTION  
OF THE  
STATE OF WYOMING.

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*Apportionment.*

Section 1. One Representative in the Congress of the United States shall be elected from the State at large, the Tuesday next after the first Monday in November, 1890, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress, the Legislature shall divide the State into congressional districts accordingly.

Sec. 2. The Legislature shall provide by law for an enumeration of the inhabitants of the State in the year 1895, and every tenth year thereafter, and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for Senators and Representatives, on a basis of such enumeration according to ratios to be fixed by law.

Sec. 3. Representative districts may be altered from time to time as public convenience may require. When a representative district shall be composed of two or more counties, they shall be contiguous and the districts as compact as may be. No county shall be divided in the formation of representative districts.

Sec. 4. Until an apportionment of Senators and Representatives is otherwise provided by law, they shall be divided among the several counties of the State in the following manner:

Albany county, two Senators and five Representatives.

Carbon county, two Senators and five Representatives.

Converse county, one Senator and three Representatives.

Crook county, one Senator and two Representatives.

Fremont county, one Senator and two Representatives.

Laramie county, three Senators and six Representatives.

Johnson county, one Senator and two Representatives.

Sheridan county, one Senator and two Representatives.

Sweetwater county, two Senators and three Representatives.

Uinta county, two Senators and three Representatives.

**ARTICLE IV.***Executive Department.*

Section 1. The executive power shall be vested in a Governor, who shall hold his office for the term of four (4) years and until his successor is elected and duly qualified.

Sec. 2. No person shall be eligible to the office of Governor unless he be a citizen of the United States and a qualified elector of the State, who has attained the age of thirty years, and who has resided five years next preceding the election within the State or Territory, nor shall he be eligible to any other office during the term for which he was elected.

Sec. 3. The Governor shall be elected by the qualified electors of the State at the time and place of choosing members of the Legislature. The person having the highest number of votes for Governor shall be declared elected, but if two or more shall have an equal and highest number of votes for Governor, the two houses of the Legislature at its next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for Governor shall be made in such manner as shall be prescribed by law.

Sec. 4. The Governor shall be Commander-in-Chief of the military forces of the State, except when they are called into the service of the United States, and may call out the same to execute the laws, suppress insurrection and repel invasion. He shall have power to convene the Legislature on extraordinary occasions. He shall at the commencement of each session communicate to the Legislature by message, information of the condition of the State, and recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature and shall take care that the laws be faithfully executed.

Sec. 5. The Governor shall have power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment; but the Legislature may by law regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason he shall have power to suspend the execution of sentence until the case is reported in the Legislature at its next regular session, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence or grant further reprieve. He shall communicate to the Legislature at each regular session each case of remission of fine, reprieve, commutation or pardon granted by him, stating the name of the convict, the crime for which he was

convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve, with his reasons for granting the same.

Sec. 6. If the Governor be impeached, displaced, resign or die, or from mental or physical disease or otherwise become incapable of performing the duties of his office or be absent from the State, the Secretary of State shall act as Governor until the vacancy is filled or the disability removed.

Sec. 7. When any office from any cause becomes vacant, and no mode is provided by the Constitution or law for filling such vacancy, the Governor shall have power to fill the same by appointment.

Sec. 8. Every bill which has passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon the journal and proceed to reconsider it. If, after such reconsideration two-thirds of the members elected agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it will likewise be reconsidered, and if it be approved by two-thirds of the members elected, it shall become a law; but in all such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each house respectively. If any bill is not returned by the Governor within three days (Sundays excepted) after its presentation to him, the same shall be a law, unless the Legislature by its adjournment, prevent its return, in which case it shall be a law, unless he shall file the same with his objections in the office of the Secretary of State within fifteen days after such adjournment.

Sec. 9. The Governor shall have power to disapprove of any item or items or part or parts of any bill making appropriations of money or property embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items and part or parts disapproved shall be void unless enacted in the following manner: If the Legislature be in session he shall transmit to the house in which the bill originated a copy of the item or items or part or parts thereof disapproved, together with his objections thereto, and the items or parts objected to shall



be separately reconsidered, and each item or part shall then take the same course as is prescribed for the passage of bills over the executive veto.

Sec. 10. Any Governor of this State who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives, or offers, or promises his official influence in consideration that any member of the Legislature shall give his official vote or influence on any particular side of any question or matter upon which he is required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the Governor, will appoint any particular person or persons to any office created or thereafter to be created in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said Legislature; or who threatens any member that he, the Governor, will remove any person or persons from office or position with intent in any manner to influence the action of said member, shall be punished in the manner now or that may hereafter be provided by law, and upon conviction thereof shall forfeit all right to hold or exercise any office of trust or honor in this State.

Sec. 11. There shall be chosen by the qualified electors of the State at the times and places of choosing members of the Legislature, a Secretary of State, Auditor, Treasurer and Superintendent of Public Instruction, who shall have attained the age of twenty-five years respectively, shall be citizens of the United States, and shall have the qualifications of State electors. They shall severally hold their offices at the seat of government, for the term of four (4) years and until their successors are elected and duly qualified, but no person shall be eligible for the office of Treasurer for four (4) years after the expiration of the term for which he was elected. The Legislature may provide for such other State officers as are deemed necessary.

Sec. 12. The powers and duties of the Secretary of State, of State Auditor, Treasurer and Superintendent of Public Instruction shall be as prescribed by law.

Sec. 13. Until otherwise provided by law, the Governor shall receive an annual salary of two thousand five hundred dollars,

the Secretary of State, State Auditor, State Treasurer and Superintendent of Public Instruction shall each receive an annual salary of two thousand dollars and the salaries of any of said officers shall not be increased or diminished during the period for which they were elected, and all fees and profits arising from any of the said offices shall be covered into the State Treasury.

Sec. 14. The Legislature shall provide for a State Examiner, who shall be appointed by the Governor and confirmed by the Senate. His duty shall be to examine the accounts of State Treasurer, Supreme Court Clerks, District Court Clerks, and all County Treasurers, and treasurers of such other public institutions as the law may require, and shall perform such other duties as the Legislature may prescribe. He shall report at least once a year, and oftener if required, to such officers as are designated by the Legislature. His compensation shall be fixed by law.

Sec. 15. There shall be a seal of State, which shall be called the "Great Seal of the State of Wyoming;" it shall be kept by the Secretary of State and used by him officially as directed by law.

Sec. 16. The seal of the Territory of Wyoming as now used shall be the seal of the State until otherwise provided by law.

## ARTICLE V.

### *Judicial Department.*

Section 1. The judicial power of the State shall be vested in the Senate, sitting as a Court of Impeachment, in a Supreme Court, District Courts, Justices of the Peace, Courts of Arbitration and such courts as the Legislature may, by general law, establish for incorporated cities or incorporated towns.

Sec. 2. The Supreme Court shall have general appellate jurisdiction, co-extensive with the State, in both civil and criminal causes, and shall have a general superintending control over all inferior courts, under such rules and regulations as may be prescribed by law.

Sec. 3. The Supreme Court shall have original jurisdiction in quo warranto and mandamus as to all State officers, and in habeas corpus. The Supreme Court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each

of the judges shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of a person held in actual custody, and may make such writs returnable before himself or before the Supreme Court, or before any District Court of the State or any judge thereof.

Sec. 4. The Supreme Court of the State shall consist of three justices who shall be elected by the qualified electors of the State at a general State election at the times and places at which State officers are elected; and their term of office shall be eight (8) years, commencing from and after the first Monday in January next succeeding their election; and the justices elected at the first election after this Constitution shall go into effect, shall at their first meeting provided by law, so classify themselves by lot that one of them shall go out of office at the end of four (4) years, and one at the end of six (6) years, and one at the end of eight (8) years from the commencement of their term, and an entry of such classification shall be made in the record of the court and signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. The justice having the shortest term to serve and not holding his office by appointment or election to fill a vacancy, shall be the Chief Justice and shall preside at all terms of the Supreme Court, and, in case of his absence, the justice having in like manner the next shortest term to serve shall preside in his stead. If a vacancy occur in the office of a justice of the Supreme Court the Governor shall appoint a person to hold the office until the election and qualification of a person to fill the unexpired term occasioned by such vacancy, which election shall take place at the next succeeding general election. The first election of the justices shall be at the first general election after this Constitution shall go into effect.

Sec. 5. A majority of the Justices of the Supreme Court shall be necessary to constitute a quorum for the transaction of business.

Sec. 6. In case a Judge of the Supreme Court shall be in any way interested in a cause brought before such court the remaining judges of said court shall call one of the District Judges to sit with them on the hearing of said cause.

Sec. 7. At least two terms of the Supreme Court shall be held annually at the seat of government at such times as may be provided by law.

Sec. 27. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering or working roads or highways; vacating roads, town plats, streets, alleys or public grounds; locating or changing county seats; regulating county or township affairs; incorporation of cities, towns or villages, or changing or amending the charters of any cities, towns or villages; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace, police magistrates or constables; changing the rules of evidence in any trial or inquiry; providing for change of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions; giving effect to any informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; chartering or licensing ferries or bridge or toll roads; chartering banks, insurance companies and loan and trust companies; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, percentages or allowances of public officers; changing the law of descent; granting to any corporation, association or individual, the right to lay down railroad tracks or any exclusive or special privileges, immunity or franchise whatever, or amending existing charter for such purpose; for punishment of crimes; changing the names of persons or places; for the assessment or collection of taxes; affecting estates of deceased persons, minors or others under legal disabilities; extending the time for the collection of taxes; refunding money paid into the State Treasury; relinquishing or extinguishing, in whole or in part, the indebtedness, liabilities or obligations of any corporation or person to this State or to any municipal corporation therein; exempting property from taxation; restoring to citizenship persons convicted of infamous crimes; authorizing the creation, extension or impairing of liens; creating offices or prescribing the powers or duties of officers in counties, cities, townships or school districts; or authorizing the adoption or legitimation of children. In all cases where a general law can be made applicable no special law shall be enacted.

**Sec. 28.** The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature; immediately after their titles have been publicly read, and the fact of signing shall be at once entered upon the journal.

**Sec. 29.** The Legislature shall prescribe by law the number, duties and compensation of the officers and employes of each house, and no payment shall be made from the State Treasury, or be in any way authorized to any such person except to an acting officer or employe elected or appointed in pursuance of law.

**Sec. 30.** No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor, after services are rendered or contract made.

**Sec. 31.** All stationery, printing, paper, fuel and lights used in the Legislature and other departments of government shall be furnished and the printing and binding of the laws, journals and department reports and other printing and binding, and the repairing and furnishing of the halls and rooms used for the meeting of the Legislature and its committees shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the Governor and State Treasurer.

**Sec. 32.** Except as otherwise provided in this Constitution, no law shall extend the term of any public officer or increase or diminish his salary or emolument after his election or appointment; but this shall not be construed to forbid the Legislature from fixing the salaries or emoluments of those officers first elected or appointed under this Constitution, if such salaries or emoluments are not fixed by its provisions.

**Sec. 33.** All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments, as in case of other bills.

**Sec. 34.** The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the Legislative, Executive and Judicial Departments of the State, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 35. Except for interest on public debt, money shall be paid out of the treasury only on appropriations made by the Legislature, and in no case otherwise than upon warrant drawn by the proper officer in pursuance of law.

Sec. 36. No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.

Sec. 37. The Legislature shall not delegate to any special commissioner, private corporation or association, any power to make, supervise or interfere with any municipal improvements, moneys, property or effects, whether held in trust or otherwise, to levy taxes, or to perform any municipal functions whatever.

Sec. 38. No act of the Legislature shall authorize the investment of trust funds by executors, administrators, guardians or trustees, in the bonds or stock of any private corporation.

Sec. 39. The Legislature shall have no power to pass any law authorizing the State or any county in the State to contract any debt or obligation in the construction of any railroad, or give or loan its credit to or in aid of the construction of the same.

Sec. 40. No obligation or liability of any person, association or corporation, held or owned by the State, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the Legislature; nor shall such liability or obligation be extinguished except by the payment thereof into the proper treasury.

Sec. 41. Every order, resolution or vote, in which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of the business of the two houses, shall be presented to the Governor, and before it shall take effect be approved by him, or, being disapproved, be repassed by two-thirds of both houses as prescribed in the case of a bill.

Sec. 42. If any person elected to either house of the Legislature shall offer or promise to give his vote or influence in favor of or against any measure or proposition, pending or to be introduced into the Legislature, in consideration or upon condition that any other person elected to the same Legislature will give or promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into such Legislature, the person making such

offer or promise shall be deemed guilty of solicitation of bribery. If any member of the Legislature will give his vote or influence for or against any measure or proposition pending or to be introduced in such Legislature, or offer, promise or assent thereto, upon condition that any other member will give or will promise or assent to give his vote or influence in favor of or against any such measure or proposition pending or to be introduced in such Legislature, or in consideration that any other member has given his vote or influence for or against any other measure or proposition in such Legislature, he shall be deemed guilty of bribery, and any member of the Legislature or person elected thereto, who shall be guilty of either of such offenses, shall be expelled and shall not thereafter be eligible to the Legislature, and on conviction thereof in the civil courts shall be liable to such further penalty as may be prescribed by law.

Sec. 43. Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer or member of the Legislature, to influence him in the performance of any of his official duties shall be deemed guilty of bribery, and be punished in such manner as shall be provided by law.

Sec. 44. Any person may be compelled to testify in any lawful investigation or judicial proceedings against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this State.

Sec. 45. The offense of corrupt solicitation of members of the Legislature or of public officers of the State, or of any municipal division thereof, and the occupation or practice of solicitation of such members or officers to influence their official action shall be defined by law and shall be punished by fine and imprisonment.

Sec. 46. A member who has a personal or private interest in any measure or bill proposed or pending before the Legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

*Apportionment.*

Section 1. One Representative in the Congress of the United States shall be elected from the State at large, the Tuesday next after the first Monday in November, 1890, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress, the Legislature shall divide the State into congressional districts accordingly.

Sec. 2. The Legislature shall provide by law for an enumeration of the inhabitants of the State in the year 1895, and every tenth year thereafter, and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for Senators and Representatives, on a basis of such enumeration according to ratios to be fixed by law.

Sec. 3. Representative districts may be altered from time to time as public convenience may require. When a representative district shall be composed of two or more counties, they shall be contiguous and the districts as compact as may be. No county shall be divided in the formation of representative districts.

Sec. 4. Until an apportionment of Senators and Representatives is otherwise provided by law, they shall be divided among the several counties of the State in the following manner:

Albany county, two Senators and five Representatives.

Carbon county, two Senators and five Representatives.

Converse county, one Senator and three Representatives.

Crook county, one Senator and two Representatives.

Fremont county, one Senator and two Representatives.

Laramie county, three Senators and six Representatives.

Johnson county, one Senator and two Representatives.

Sheridan county, one Senator and two Representatives.

Sweetwater county, two Senators and three Representatives.

Uinta county, two Senators and three Representatives.

**ARTICLE IV.***Executive Department.*

Section 1. The executive power shall be vested in a Governor, who shall hold his office for the term of four (4) years and until his successor is elected and duly qualified.



Sec. 2. No person shall be eligible to the office of Governor unless he be a citizen of the United States and a qualified elector of the State, who has attained the age of thirty years, and who has resided five years next preceding the election within the State or Territory, nor shall he be eligible to any other office during the term for which he was elected.

Sec. 3. The Governor shall be elected by the qualified electors of the State at the time and place of choosing members of the Legislature. The person having the highest number of votes for Governor shall be declared elected, but if two or more shall have an equal and highest number of votes for Governor, the two houses of the Legislature at its next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for Governor shall be made in such manner as shall be prescribed by law.

Sec. 4. The Governor shall be Commander-in-Chief of the military forces of the State, except when they are called into the service of the United States, and may call out the same to execute the laws, suppress insurrection and repel invasion. He shall have power to convene the Legislature on extraordinary occasions. He shall at the commencement of each session communicate to the Legislature by message, information of the condition of the State, and recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature and shall take care that the laws be faithfully executed.

Sec. 5. The Governor shall have power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment; but the Legislature may by law regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason he shall have power to suspend the execution of sentence until the case is reported in the Legislature at its next regular session, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence or grant further reprieve. He shall communicate to the Legislature at each regular session each case of remission of fine, reprieve, commutation or pardon granted by him, stating the name of the convict, the crime for which he was

Sec. 37. The State of Wyoming is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.

## ARTICLE II

### *Distribution of Powers.*

Section 1. The powers of the government of this State are divided into three distinct departments: The legislative, executive and judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this Constitution expressly directed or permitted.

## ARTICLE III

### *Legislative Department.*

Section 1. The legislative power shall be vested in a Senate and House of Representatives, which shall be designated "The Legislature of the State of Wyoming."

Sec. 2. Senators shall be elected for the term of four (4) years and Representatives for the term of two (2) years. The Senators elected at the first election shall be divided by lot into two classes as nearly equal as may be. The seats of Senators of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years. No person shall be a Senator who has not attained the age of twenty-five years, or a Representative who has not attained the age of twenty-one years, and who is not a citizen of the United States and of this State and who has not, for at least twelve months next preceding his election resided within the county or district in which he was elected.

Sec. 3. Each county shall constitute a Senatorial and Representative district; the Senate and House of Representatives shall be composed of members elected by the legal voters of the counties respectively, every two (2) years. They shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. Each county shall have at least one Senator and one Representative; but at no time shall the number of members of the House of Representatives be less than twice nor greater than three times the number of members of the Senate. The Senate and House of Representatives first

elected in pursuance of this Constitution shall consist of sixteen and thirty-three members respectively.

Sec. 4. When vacancies occur in either house by death, resignation or otherwise, such vacancy shall be filled for the remainder of the term by special election, to be called in such manner as may be prescribed by law.

Sec. 5. Members of the Senate and House of Representatives shall be elected on the day provided by law for the general election of a member of Congress, and their term of office shall begin on the first Monday of January thereafter.

Sec. 6. Each member of the first legislature, as a compensation for his services, shall receive five dollars for each day's attendance, and fifteen cents for each mile traveled in going to and returning from the seat of government to his residence by the usual traveled route, and shall receive no other compensation, perquisite or allowance whatever. No session of the legislature after the first, which may be sixty days, shall exceed forty days. After the first session the compensation of the members of the legislature shall be provided by law; but no legislature shall fix its own compensation.

Sec. 7. The Legislature shall meet at the seat of government at twelve o'clock, noon, on the second Tuesday of January next succeeding the general election provided by law, and at twelve o'clock, noon, on the second Tuesday of January of each alternate year thereafter, and at other times when convened by the Governor.

Sec. 8. No Senator or Representative shall, during the term for which he was elected, be appointed to any civil office under the State, and no member of Congress or other person holding an office (except that of notary public or an office in the militia) under the United States or this State, shall be a member of either house during his continuance in office.

Sec. 9. No member of either house shall, during the term for which he was elected, receive any increase of salary or mileage under any law passed during that term.

Sec. 10. The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members president; the House of Representatives

the Secretary of State, State Auditor, State Treasurer and Superintendent of Public Instruction shall each receive an annual salary of two thousand dollars and the salaries of any of said officers shall not be increased or diminished during the period for which they were elected, and all fees and profits arising from any of the said offices shall be covered into the State Treasury.

Sec. 14. The Legislature shall provide for a State Examiner, who shall be appointed by the Governor and confirmed by the Senate. His duty shall be to examine the accounts of State Treasurer, Supreme Court Clerks, District Court Clerks, and all County Treasurers, and treasurers of such other public institutions as the law may require, and shall perform such other duties as the Legislature may prescribe. He shall report at least once a year, and oftener if required, to such officers as are designated by the Legislature. His compensation shall be fixed by law.

Sec. 15. There shall be a seal of State, which shall be called the "Great Seal of the State of Wyoming;" it shall be kept by the Secretary of State and used by him officially as directed by law.

Sec. 16. The seal of the Territory of Wyoming as now used shall be the seal of the State until otherwise provided by law.

## ARTICLE V.

### *Judicial Department.*

Section 1. The judicial power of the State shall be vested in the Senate, sitting as a Court of Impeachment, in a Supreme Court, District Courts, Justices of the Peace, Courts of Arbitration and such courts as the Legislature may, by general law, establish for incorporated cities or incorporated towns.

Sec. 2. The Supreme Court shall have general appellate jurisdiction, co-extensive with the State, in both civil and criminal causes, and shall have a general superintending control over all inferior courts, under such rules and regulations as may be prescribed by law.

Sec. 3. The Supreme Court shall have original jurisdiction in quo warranto and mandamus as to all State officers, and in habeas corpus. The Supreme Court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each

of the judges shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of a person held in actual custody, and may make such writs returnable before himself or before the Supreme Court, or before any District Court of the State or any judge thereof.

Sec. 4. The Supreme Court of the State shall consist of three justices who shall be elected by the qualified electors of the State at a general State election at the times and places at which State officers are elected; and their term of office shall be eight (8) years, commencing from and after the first Monday in January next succeeding their election; and the justices elected at the first election after this Constitution shall go into effect, shall at their first meeting provided by law, so classify themselves by lot that one of them shall go out of office at the end of four (4) years, and one at the end of six (6) years, and one at the end of eight (8) years from the commencement of their term, and an entry of such classification shall be made in the record of the court and signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. The justice having the shortest term to serve and not holding his office by appointment or election to fill a vacancy, shall be the Chief Justice and shall preside at all terms of the Supreme Court, and, in case of his absence, the justice having in like manner the next shortest term to serve shall preside in his stead. If a vacancy occur in the office of a justice of the Supreme Court the Governor shall appoint a person to hold the office until the election and qualification of a person to fill the unexpired term occasioned by such vacancy, which election shall take place at the next succeeding general election. The first election of the justices shall be at the first general election after this Constitution shall go into effect.

Sec. 5. A majority of the Justices of the Supreme Court shall be necessary to constitute a quorum for the transaction of business.

Sec. 6. In case a Judge of the Supreme Court shall be in any way interested in a cause brought before such court the remaining judges of said court shall call one of the District Judges to sit with them on the hearing of said cause.

Sec. 7. At least two terms of the Supreme Court shall be held annually at the seat of government at such times as may be provided by law.

Sec. 8. No person shall be eligible to the office of Justice of the Supreme Court unless he be learned in the law, have been in actual practice at least nine (9) years or whose service on the bench of any court of record, when added to the time he may have practiced law, shall be equal to nine (9) years, be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this State or Territory at least three years.

Sec. 9. There shall be a Clerk of the Supreme Court who shall be appointed by the justices of said court and shall hold his office during their pleasure, and whose duties and emoluments shall be as provided by law.

Sec. 10. The District Court shall have original jurisdiction of all causes both at law and in equity and in all criminal cases, of all matters of probate and insolvency and of such special cases and proceedings as are not otherwise provided for. The District Court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, injunction and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective districts.

Sec. 11. The Judges of the District Courts may hold courts for each other and shall do so when required by law.

Sec. 12. No person shall be eligible to the office of Judge of the District Court unless he be learned in the law, be at least twenty-eight years of age, and a citizen of the United States, nor unless he shall have resided in the State or Territory of Wyoming at least two years next preceding his election.

Sec. 13. There shall be a clerk of the District Court in each organized county in which a court is holden who shall be elected, or, in case of vacancy, appointed in such manner and with such duties and compensation as may be prescribed by law.

Sec. 14. The Legislature shall provide by law for the appointment by the several District Courts of one or more District Court Commissioners (who shall be persons learned in the law)

in each organized county in which a District Court is holden, such commissioners shall have authority to perform such chamber business in the absence of the district judge from the county or upon his written statement filed with the papers, that it is improper for him to act, as may be prescribed by law, to take depositions and perform such other duties, and receive such compensation as shall be prescribed by law.

Sec. 15. The style of all process shall be "The State of Wyoming." All prosecutions shall be carried on in the name and by the authority of the State of Wyoming, and conclude "against the peace and dignity of the State of Wyoming."

Sec. 16. No duties shall be imposed by law upon the Supreme Court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided.

Sec. 17. The judges of the Supreme and District Courts shall receive such compensation for their services as may be prescribed by law, which compensation shall not be increased or diminished during the term for which a judge shall have been elected, and the salary of a judge of the Supreme or District Court shall be as may be prescribed by law.

Sec. 18. Writs of error and appeals may be allowed from the decisions of the District Courts to the Supreme Courts under such regulations as may be prescribed by law.

Sec. 19. Until otherwise provided by law, the State shall be divided into three judicial districts, in each of which there shall be elected at general elections, by the electors thereof, one judge of the District Court therein, whose term shall be six (6) years from the first Monday in January succeeding his election and until his successor is duly qualified.

Sec. 20. Until otherwise provided by law, said judicial district shall be constituted as follows:

District number one shall consist of the counties of Laramie, Converse and Crook.

District number two shall consist of the counties of Albany, Johnson and Sheridan.

District number three shall consist of the counties of Carbon, Sweetwater, Uinta and Fremont.

Sec. 21. The Legislature may from time to time increase the number of said judicial districts and the judges thereof,

and such increase or change in the boundaries of the district shall not work the removal of any judge from his office during the term for which he may have been elected or appointed; provided the number of districts and district judges shall not exceed four until the taxable valuation of property in the State shall exceed one hundred million dollars (\$100,000,000).

Sec. 22. The Legislature shall provide by law for the election of Justices of the Peace in each organized county in each State. But the number of said justices to be elected in each organized county shall be limited by law to such number as shall be necessary for the proper administration of justice. The Justices of the Peace herein provided for shall have concurrent jurisdiction with the District Court in all civil actions where the amount in controversy, exclusive of the costs, does not exceed two hundred dollars, and they shall have such jurisdiction to hear and determine cases of misdemeanor as may be provided by law, but in no case shall said Justices of the Peace have jurisdiction when the boundaries of or title to real estate shall enter into question.

Sec. 23. Appeals shall lie from the final decisions of Justices of the Peace and Police Magistrates in such cases and purposes in which real estate shall come into question.

Sec. 24. The time of holding courts in the several counties of a district shall be as prescribed by law, and the Legislature shall make provisions for attaching unorganized counties or territory to organized counties for judicial purposes.

Sec. 25. No judge of the Supreme or District Court shall act as attorney or counsellor at law.

Sec. 26. Until the Legislature shall provide by law for fixing the terms of courts the judges of the Supreme Court and District Courts shall fix the terms thereof.

Sec. 27. No judge of the Supreme or District Court shall be elected or appointed to any other than judicial offices or be eligible thereto during the term for which he was elected as such judge.

Sec. 28. Appeals from decisions of compulsory boards of arbitration shall be allowed to the Supreme Court of the State, and the manner of taking such appeals shall be prescribed by appointing such judge.



ARTICLE VI.

*Suffrage.*

Section 1. The rights of citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall equally enjoy all civil, political and religious rights and privileges.

Sec. 2. Every citizen of the United States of the age of twenty-one years and upwards, who has resided in the State or Territory one year and in the county wherein such residence is located sixty days next preceding any election, shall be entitled to vote at such election, except as herein otherwise provided.

Sec. 3. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest on the days of election during their attendance at elections, and going to and returning therefrom.

Sec. 4. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

Sec. 5. No person shall be deemed a qualified elector of this State, unless such person be a citizen of the United States.

Sec. 6. All idiots, insane persons, and persons convicted of infamous crimes, unless restored to civil rights, are excluded from the elective franchise.

Sec. 7. No elector shall be deemed to have lost his residence in the State, by reason of his absence on business of the United States, or of this State, or in the military or naval service of the United States.

Sec. 8. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of his being stationed therein.

Sec. 9. No person shall have the right to vote who shall not be able to read the Constitution of this State. The provisions of this section shall not apply to any person prevented by physical disability from complying with its requirements.

Sec. 10. Nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this Constitution, unless disqualified by the restrictions of section six of this article. After the expira-

*Apportionment.*

Section 1. One Representative in the Congress of the United States shall be elected from the State at large, the Tuesday next after the first Monday in November, 1890, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress, the Legislature shall divide the State into congressional districts accordingly.

Sec. 2. The Legislature shall provide by law for an enumeration of the inhabitants of the State in the year 1895, and every tenth year thereafter, and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for Senators and Representatives, on a basis of such enumeration according to ratios to be fixed by law.

Sec. 3. Representative districts may be altered from time to time as public convenience may require. When a representative district shall be composed of two or more counties, they shall be contiguous and the districts as compact as may be. No county shall be divided in the formation of representative districts.

Sec. 4. Until an apportionment of Senators and Representatives is otherwise provided by law, they shall be divided among the several counties of the State in the following manner:

Albany county, two Senators and five Representatives.

Carbon county, two Senators and five Representatives.

Converse county, one Senator and three Representatives.

Crook county, one Senator and two Representatives.

Fremont county, one Senator and two Representatives.

Laramie county, three Senators and six Representatives.

Johnson county, one Senator and two Representatives.

Sheridan county, one Senator and two Representatives.

Sweetwater county, two Senators and three Representatives.

Uinta county, two Senators and three Representatives.

**ARTICLE IV.***Executive Department.*

Section 1. The executive power shall be vested in a Governor, who shall hold his office for the term of four (4) years and until his successor is elected and duly qualified.

Sec. 2. No person shall be eligible to the office of Governor unless he be a citizen of the United States and a qualified elector of the State, who has attained the age of thirty years, and who has resided five years next preceding the election within the State or Territory, nor shall he be eligible to any other office during the term for which he was elected.

Sec. 3. The Governor shall be elected by the qualified electors of the State at the time and place of choosing members of the Legislature. The person having the highest number of votes for Governor shall be declared elected, but if two or more shall have an equal and highest number of votes for Governor, the two houses of the Legislature at its next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for Governor shall be made in such manner as shall be prescribed by law.

Sec. 4. The Governor shall be Commander-in-Chief of the military forces of the State, except when they are called into the service of the United States, and may call out the same to execute the laws, suppress insurrection and repel invasion. He shall have power to convene the Legislature on extraordinary occasions. He shall at the commencement of each session communicate to the Legislature by message, information of the condition of the State, and recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature and shall take care that the laws be faithfully executed.

Sec. 5. The Governor shall have power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment; but the Legislature may by law regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason he shall have power to suspend the execution of sentence until the case is reported in the Legislature at its next regular session, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence or grant further reprieve. He shall communicate to the Legislature at each regular session each case of remission of fine, reprieve, commutation or pardon granted by him, stating the name of the convict, the crime for which he was

convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve, with his reasons for granting the same.

Sec. 6. If the Governor be impeached, displaced, resign or die, or from mental or physical disease or otherwise become incapable of performing the duties of his office or be absent from the State, the Secretary of State shall act as Governor until the vacancy is filled or the disability removed.

Sec. 7. When any office from any cause becomes vacant, and no mode is provided by the Constitution or law for filling such vacancy, the Governor shall have power to fill the same by appointment.

Sec. 8. Every bill which has passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon the journal and proceed to reconsider it. If, after such reconsideration two-thirds of the members elected agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it will likewise be reconsidered, and if it be approved by two-thirds of the members elected, it shall become a law; but in all such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each house respectively. If any bill is not returned by the Governor within three days (Sundays excepted) after its presentation to him, the same shall be a law, unless the Legislature by its adjournment, prevent its return, in which case it shall be a law, unless he shall file the same with his objections in the office of the Secretary of State within fifteen days after such adjournment.

Sec. 9. The Governor shall have power to disapprove of any item or items or part or parts of any bill making appropriations of money or property embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items and part or parts disapproved shall be void unless enacted in the following manner: If the Legislature be in session he shall transmit to the house in which the bill originated a copy of the item or items or part or parts thereof disapproved, together with his objections thereto, and the items or parts objected to shall

be separately reconsidered, and each item or part shall then take the same course as is prescribed for the passage of bills over the executive veto.

Sec. 10. Any Governor of this State who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives, or offers, or promises his official influence in consideration that any member of the Legislature shall give his official vote or influence on any particular side of any question or matter upon which he is required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the Governor, will appoint any particular person or persons to any office created or thereafter to be created in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said Legislature; or who threatens any member that he, the Governor, will remove any person or persons from office or position with intent in any manner to influence the action of said member, shall be punished in the manner now or that may hereafter be provided by law, and upon conviction thereof shall forfeit all right to hold or exercise any office of trust or honor in this State.

Sec. 11. There shall be chosen by the qualified electors of the State at the times and places of choosing members of the Legislature, a Secretary of State, Auditor, Treasurer and Superintendent of Public Instruction, who shall have attained the age of twenty-five years respectively, shall be citizens of the United States, and shall have the qualifications of State electors. They shall severally hold their offices at the seat of government, for the term of four (4) years and until their successors are elected and duly qualified, but no person shall be eligible for the office of Treasurer for four (4) years after the expiration of the term for which he was elected. The Legislature may provide for such other State officers as are deemed necessary.

Sec. 12. The powers and duties of the Secretary of State, of State Auditor, Treasurer and Superintendent of Public Instruction shall be as prescribed by law.

Sec. 13. Until otherwise provided by law, the Governor shall receive an annual salary of two thousand five hundred dollars,

the Secretary of State, State Auditor, State Treasurer and Superintendent of Public Instruction shall each receive an annual salary of two thousand dollars and the salaries of any of said officers shall not be increased or diminished during the period for which they were elected, and all fees and profits arising from any of the said offices shall be covered into the State Treasury.

Sec. 14. The Legislature shall provide for a State Examiner, who shall be appointed by the Governor and confirmed by the Senate. His duty shall be to examine the accounts of State Treasurer, Supreme Court Clerks, District Court Clerks, and all County Treasurers, and treasurers of such other public institutions as the law may require, and shall perform such other duties as the Legislature may prescribe. He shall report at least once a year, and oftener if required, to such officers as are designated by the Legislature. His compensation shall be fixed by law.

Sec. 15. There shall be a seal of State, which shall be called the "Great Seal of the State of Wyoming;" it shall be kept by the Secretary of State and used by him officially as directed by law.

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## ARTICLE V.

### *Judicial Department.*

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Sec. 2. The Supreme Court shall have general appellate jurisdiction, co-extensive with the State, in both civil and criminal causes, and shall have a general superintending control over all inferior courts, under such rules and regulations as may be prescribed by law.

Sec. 3. The Supreme Court shall have original jurisdiction in quo warranto and mandamus as to all State officers, and in habeas corpus. The Supreme Court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each

of the judges shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of a person held in actual custody, and may make such writs returnable before himself or before the Supreme Court, or before any District Court of the State or any judge thereof.

Sec. 4. The Supreme Court of the State shall consist of three justices who shall be elected by the qualified electors of the State at a general State election at the times and places at which State officers are elected; and their term of office shall be eight (8) years, commencing from and after the first Monday in January next succeeding their election; and the justices elected at the first election after this Constitution shall go into effect, shall at their first meeting provided by law, so classify themselves by lot that one of them shall go out of office at the end of four (4) years, and one at the end of six (6) years, and one at the end of eight (8) years from the commencement of their term, and an entry of such classification shall be made in the record of the court and signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. The justice having the shortest term to serve and not holding his office by appointment or election to fill a vacancy, shall be the Chief Justice and shall preside at all terms of the Supreme Court, and, in case of his absence, the justice having in like manner the next shortest term to serve shall preside in his stead. If a vacancy occur in the office of a justice of the Supreme Court the Governor shall appoint a person to hold the office until the election and qualification of a person to fill the unexpired term occasioned by such vacancy, which election shall take place at the next succeeding general election. The first election of the justices shall be at the first general election after this Constitution shall go into effect.

Sec. 5. A majority of the Justices of the Supreme Court shall be necessary to constitute a quorum for the transaction of business.

Sec. 6. In case a Judge of the Supreme Court shall be in any way interested in a cause brought before such court the remaining judges of said court shall call one of the District Judges to sit with them on the hearing of said cause.

Sec. 7. At least two terms of the Supreme Court shall be held annually at the seat of government at such times as may be provided by law.

Sec. 8. No person shall be eligible to the office of Justice of the Supreme Court unless he be learned in the law, have been in actual practice at least nine (9) years or whose service on the bench of any court of record, when added to the time he may have practiced law, shall be equal to nine (9) years, be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this State or Territory at least three years.

Sec. 9. There shall be a Clerk of the Supreme Court who shall be appointed by the justices of said court and shall hold his office during their pleasure, and whose duties and emoluments shall be as provided by law.

Sec. 10. The District Court shall have original jurisdiction of all causes both at law and in equity and in all criminal cases, of all matters of probate and insolvency and of such special cases and proceedings as are not otherwise provided for. The District Court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, injunction and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective districts.

Sec. 11. The Judges of the District Courts may hold courts for each other and shall do so when required by law.

Sec. 12. No person shall be eligible to the office of Judge of the District Court unless he be learned in the law, be at least twenty-eight years of age, and a citizen of the United States, nor unless he shall have resided in the State or Territory of Wyoming at least two years next preceding his election.

Sec. 13. There shall be a clerk of the District Court in each organized county in which a court is holden who shall be elected, or, in case of vacancy, appointed in such manner and with such duties and compensation as may be prescribed by law.

Sec. 14. The Legislature shall provide by law for the appointment by the several District Courts of one or more District Court Commissioners (who shall be persons learned in the law)



in each organized county in which a District Court is holden, such commissioners shall have authority to perform such chamber business in the absence of the district judge from the county or upon his written statement filed with the papers, that it is improper for him to act, as may be prescribed by law, to take depositions and perform such other duties, and receive such compensation as shall be prescribed by law.

Sec. 15. The style of all process shall be "The State of Wyoming." All prosecutions shall be carried on in the name and by the authority of the State of Wyoming, and conclude "against the peace and dignity of the State of Wyoming."

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Sec. 17. The judges of the Supreme and District Courts shall receive such compensation for their services as may be prescribed by law, which compensation shall not be increased or diminished during the term for which a judge shall have been elected, and the salary of a judge of the Supreme or District Court shall be as may be prescribed by law.

Sec. 18. Writs of error and appeals may be allowed from the decisions of the District Courts to the Supreme Courts under such regulations as may be prescribed by law.

Sec. 19. Until otherwise provided by law, the State shall be divided into three judicial districts, in each of which there shall be elected at general elections, by the electors thereof, one judge of the District Court therein, whose term shall be six (6) years from the first Monday in January succeeding his election and until his successor is duly qualified.

Sec. 20. Until otherwise provided by law, said judicial district shall be constituted as follows.

District number one shall consist of the counties of Laramie, Converse and Crook.

District number two shall consist of the counties of Albany, Johnson and Sheridan.

District number three shall consist of the counties of Carbon, Sweetwater, Uinta and Fremont.

Sec. 21. The Legislature may from time to time increase the number of said judicial districts and the judges thereof,

and such increase or change in the boundaries of the district shall not work the removal of any judge from his office during the term for which he may have been elected or appointed; provided the number of districts and district judges shall not exceed four until the taxable valuation of property in the State shall exceed one hundred million dollars (\$100,000,000).

Sec. 22. The Legislature shall provide by law for the election of Justices of the Peace in each organized county in each State. But the number of said justices to be elected in each organized county shall be limited by law to such number as shall be necessary for the proper administration of justice. The Justices of the Peace herein provided for shall have concurrent jurisdiction with the District Court in all civil actions where the amount in controversy, exclusive of the costs, does not exceed two hundred dollars, and they shall have such jurisdiction to hear and determine cases of misdemeanor as may be provided by law, but in no case shall said Justices of the Peace have jurisdiction when the boundaries of or title to real estate shall enter into question.

Sec. 23. Appeals shall lie from the final decisions of Justices of the Peace and Police Magistrates in such cases and purposes in which real estate shall come into question.

Sec. 24. The time of holding courts in the several counties of a district shall be as prescribed by law, and the Legislature shall make provisions for attaching unorganized counties or territory to organized counties for judicial purposes.

Sec. 25. No judge of the Supreme or District Court shall act as attorney or counsellor at law.

Sec. 26. Until the Legislature shall provide by law for fixing the terms of courts the judges of the Supreme Court and District Courts shall fix the terms thereof.

Sec. 27. No judge of the Supreme or District Court shall be elected or appointed to any other than judicial offices or be eligible thereto during the term for which he was elected as such judge.

Sec. 28. Appeals from decisions of compulsory boards of arbitration shall be allowed to the Supreme Court of the State, and the manner of taking such appeals shall be prescribed by appointing such judge.

## ARTICLE VI.

*Suffrage.*

Section 1. The rights of citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall equally enjoy all civil, political and religious rights and privileges.

Sec. 2. Every citizen of the United States of the age of twenty-one years and upwards, who has resided in the State or Territory one year and in the county wherein such residence is located sixty days next preceding any election, shall be entitled to vote at such election, except as herein otherwise provided.

Sec. 3. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest on the days of election during their attendance at elections, and going to and returning therefrom.

Sec. 4. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

Sec. 5. No person shall be deemed a qualified elector of this State, unless such person be a citizen of the United States.

Sec. 6. All idiots, insane persons, and persons convicted of infamous crimes, unless restored to civil rights, are excluded from the elective franchise.

Sec. 7. No elector shall be deemed to have lost his residence in the State, by reason of his absence on business of the United States, or of this State, or in the military or naval service of the United States.

Sec. 8. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of his being stationed therein.

Sec. 9. No person shall have the right to vote who shall not be able to read the Constitution of this State. The provisions of this section shall not apply to any person prevented by physical disability from complying with its requirements.

Sec. 10. Nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this Constitution, unless disqualified by the restrictions of section six of this article. After the expira-

tion of five years from the time of the adoption of this Constitution, none but citizens of the United States shall have the right to vote.

Sec. 11. All elections shall be by ballot. The Legislature shall provide by law that the names of all candidates for the same office, to be voted for at any election, shall be printed on the same ballot, at public expense, and on election day to be delivered to the voters within the polling place by sworn public officials, and only such ballots so delivered shall be received and counted. But no voter shall be deprived of the privilege of writing upon the ballot used the name of any other candidate. All voters shall be guaranteed absolute privacy in the preparation of their ballots, and the secrecy of the ballot shall be made compulsory.

Sec. 12. No person qualified to be an elector of the State of Wyoming shall be allowed to vote at any general or special election hereafter to be holden in the State, until he or she shall have registered as a voter according to law, unless the failure to register is caused by sickness or absence, for which provision shall be made by law. The Legislature of the State shall enact such laws as will carry into effect the provisions of this section, which enactment shall be subject to amendment, but shall never be repealed; but this section shall not apply to the first election held under this Constitution.

#### *Elections.*

Sec. 13. The Legislature shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.

Sec. 14. The Legislature shall, by general law, designate the courts by which the several classes of election contests not otherwise provided for, shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law shall apply to any contest arising out of an election held before its passage.

Sec. 15. No person except a qualified elector shall be elected or appointed to any civil or military office in the State.

Sec. 16. Every person holding any civil office under the State or any municipality therein shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified, but this shall not apply to members of the Legislature, nor to members of any board of assembly, two or more

of whom are elected at the same time. The Legislature may by law provide for suspending any officer in his functions, pending impeachment or prosecution for misconduct in office.

*Qualifications for Office.*

Sec. 17. All general elections for State and county officers, for members of the House of Representatives and the Senate of the State of Wyoming and Representatives to the Congress of the United States, shall be held on the Tuesday next following the first Monday in November of each even year. Special elections may be held as now, or as may hereafter be provided by law. All State and county officers elected at a general election shall enter upon their respective duties on the first Monday in January next following the date of their election, or as soon thereafter as may be possible.

Sec. 18. All officers, whose election is not provided for in this Constitution, shall be elected or appointed as may be directed by law.

Sec. 19. No member of Congress from this State, nor any holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees or perquisites shall be attached. The Legislature may by law declare what offices are incompatible.

*Oath of Office.*

Sec. 20. Senators and Representatives and all judicial, State and county officers shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this State, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the State, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any

act or duty pertaining to my office, other than the compensation allowed by law."

Sec. 21. The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the Supreme Court shall be filed in the office of the Secretary of State, and in the case of other judicial and county officers, in the office of the clerk of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office, and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this State. The oath to members of the Senate and House of Representatives shall be administered by one of the judges of the Supreme Court or a justice of the peace, in the hall of the house to which the members shall be elected.

#### ARTICLE VII.

##### *Education.*

Section 1. The Legislature shall provide for the establishment and maintenance of a complete and uniform system of public instruction, embracing free elementary schools of every needed kind and grade, a university with such technical and professional departments as the public good may require and the means of the State allow, and such other institutions as may be necessary.

Sec. 2. The following are declared to be perpetual funds for school purposes, of which the annual income only can be appropriated, to-wit: Such per centum as has been or may hereafter be granted by Congress on the sale of lands in this State, all moneys arising from the sale or lease of sections number sixteen and thirty-six in each township in the State, and the land selected or that may be selected in lieu thereof; the proceeds of all lands that have been or may hereafter be granted to this State, where by the terms and conditions of the grant, the same are not to be otherwise appropriated; the net proceeds of lands and other property and effects that come to the State by escheat or forfeiture, or from unclaimed dividends or distributive shares of the estates of deceased persons; all moneys, stocks, bonds, lands and other property now belonging to the common school fund.

Sec. 3. To the sources of revenue above mentioned shall be added all other grants, gifts and devises that have been or may hereafter be made to this State and not otherwise appropriated by the terms of the grant, gift or devise.

Sec. 4. All moneys, stocks, bonds, lands and other property belonging to a county school fund, except such moneys and property as may be provided by law for current use in aid of public schools, shall belong to and be securely invested and securely preserved in the several counties as a county public school fund, the income of which shall be appropriated exclusively to the use and support of free public schools in the several counties of the State.

Sec. 5. All fines and penalties under the general laws of the State shall belong to the public school fund of the respective counties and be paid over to the custodians of such funds for the current support of the public schools therein.

Sec. 6. All funds belonging to the State for public school purposes, the interest and income of which only are to be used, shall be deemed trust funds in the care of the State, which shall keep them for the exclusive benefit of the public schools, and shall make good any losses that may in any manner occur, so that the same shall remain forever inviolate and undiminished. None of such funds shall ever be invested or loaned except on the bonds issued by school districts, or registered county bonds of the State, or State securities of this State, or of the United States.

Sec. 7. The income arising from the funds mentioned in the preceding section, together with all the rents of the unsold school lands and such other means as the Legislature may provide, shall be exclusively applied to the support of free schools in every county in the State.

Sec. 8. Provision shall be made by general law for the equitable distribution of such income among the several counties according to the number of children of school age in each, which several counties shall in like manner distribute the proportion of said fund by them received respectively to the several school districts embraced therein. But no appropriation shall be made from said fund to any district for the year in which a school has not been maintained for at least three months; nor shall any portion of any public school fund ever be used to support or assist any private school, or any school, academy, seminary,

college or other institution of learning controlled by any church or sectarian organization or religious denomination whatsoever.

Sec. 9. The Legislature shall make such further provision by taxation or otherwise, as with the income arising from the general school fund will create and maintain a thorough and efficient system of public schools, adequate to the proper instruction of all the youth of the State, between the ages of six and twenty-one years, free of charge; and in view of such provision so made, the Legislature shall require that every child of sufficient physical and mental ability shall attend a public school during the period between six and eighteen years for a time equivalent to three years, unless educated by other means.

Sec. 10. In none of the public schools so established and maintained shall distinction or discrimination be made on account of sex, race or color.

Sec. 11. Neither the Legislature nor the Superintendent of Public Instruction shall have power to prescribe text books to be used in the public schools.

Sec. 12. No sectarian instruction, qualifications or tests shall be imparted, exacted, applied or in any manner tolerated in the schools of any grade or character controlled by the State, nor shall attendance be required at any religious service therein, nor shall any sectarian tenets or doctrines be taught or favored in any public school or institution that may be established under this Constitution.

Sec. 13. The Governor, Secretary of State, State Treasurer, and Superintendent of Public Instruction shall constitute the Board of Land Commissioners, which, under direction of the Legislature, as limited by this Constitution, shall have direction, control, leasing and disposal of the lands of the State granted, or which may be hereafter granted for the support and benefit of public schools, subject to the further limitations that the sale of all lands shall be at public auction, after such delay (not less than the time fixed by Congress) in portions at proper intervals of time, and at such minimum prices (not less than the minimum fixed by Congress) as to realize the largest possible proceeds.

Sec. 14. The general supervision of the public schools shall be intrusted to the State Superintendent of Public Instruction, whose powers and duties shall be prescribed by law.



*The University.*

Sec. 15. The establishment of the University of Wyoming is hereby confirmed, and said institution, with its several departments, is hereby declared to be the University of the State of Wyoming. All lands which have been heretofore granted or which may be granted hereafter by Congress unto the university as such, or in aid of the instruction to be given in any of its departments, with all other grants, donations, or devises for said university, or for any of its departments, shall vest in said university, and be exclusively used for the purposes for which they were granted, donated or devised. The said lands may be leased on terms approved by the land commissioners, but may not be sold on terms not approved by Congress.

Sec. 16. The university shall be equally open to students of both sexes, irrespective of race or color, and, in order that the instruction furnished may be as nearly free as possible, any amount in addition to the income from its grants of lands and other sources above mentioned, necessary to its support and maintenance in a condition of full efficiency shall be raised by taxation or otherwise, under provisions of the Legislature.

Sec. 17. The Legislature shall provide by law for the management of the university, its lands and other property by a board of trustees, consisting of not less than seven members, to be appointed by the Governor by and with the advice and consent of the Senate, and the president of the university, and the Superintendent of Public Instruction, as members *ex-officio*, as such having the right to speak, but not to vote. The duties and powers of the trustees shall be prescribed by law.

*Charitable and Penal Institutions.*

Sec. 18. Such charitable, reformatory and penal institutions as the claims of humanity and the public good may require, shall be established and supported by the State in such manner as the Legislature may prescribe. They shall be under the general supervision of a State Board of Charities and Reform, whose duties and powers shall be prescribed by law.

Sec. 19. The property of all charitable and penal institutions belonging to the Territory of Wyoming shall, upon the adoption of this Constitution, become the property of the State of Wyoming, and such of said institutions as are then in actual opera-

tion, shall thereafter have the supervision of the board of charities and reform as provided in the last preceding section of this article, under provisions of the Legislature.

*Public Health and Morals.*

Sec. 20. As the health and morality of the people are essential to their well being, and to the peace and permanence of the State, it shall be the duty of the Legislature to protect and promote these vital interests by such measures for the encouragement of temperance and virtue, and such restrictions upon vice and immorality of every sort, as are deemed necessary to the public welfare.

*Public Buildings.*

Sec. 21. All public buildings and other property belonging to the territory shall, upon the adoption of this Constitution, become the property of the State of Wyoming.

Sec. 22. The construction, care and preservation of all public buildings of the State not under the control of the board of officers of public institutions by authority of law shall be intrusted to such officers or boards, and under such regulations as shall be prescribed by law.

Sec. 23. The Legislature shall have no power to change or to locate the seat of government, the State University, insane Asylum or State Penitentiary, but may after the expiration of ten (10) years after the adoption of this Constitution, provide by law for submitting the question of the permanent location thereof, respectively, to the qualified electors of the State, at some general election, and a majority of all votes upon said question cast at said election, shall be necessary to determine the location thereof; but for said period of ten (10) years, and until the same are respectively and permanently located, as herein provided, the location of the seat of government and said institutions shall be as follows:

The seat of government shall be located at the city of Cheyenne, in the county of Laramie. The State University shall be located at the city of Laramie, in the county of Albany. The insane asylum shall be located at the town of Evanston, in the county of Uinta. The penitentiary shall be located at the city of Rawlins, in the county of Carbon; but the Legislature may provide by law that said penitentiary may be converted to other public uses. The Legislature shall not locate any other public institutions except under general laws, and by vote of the people.

## ARTICLE VIII.

*Irrigation and Water Rights.*

Section 1. The water of all natural streams, springs, lakes or other collections of still water, within the boundaries of the State, are hereby declared to be the property of the State.

Sec. 2. There shall be constituted a Board of Control, to be composed of the State Engineer and superintendents of water divisions; which shall, under such regulations as may be prescribed by law, have the supervision of the waters of the State and of their appropriation, distribution and diversion, and of the various officers connected therewith. Its decisions to be subject to review by the courts of the State.

Sec. 3. Priority of appropriation for beneficial uses shall give the better right. No appropriation shall be denied except when such denial is demanded by the public interests.

Sec. 4. The Legislature shall by law divide the State into four (4) water divisions, and provide for the appointment of superintendents thereof.

Sec. 5. There shall be a State Engineer who shall be appointed by the Governor of the State and confirmed by the Senate; he shall hold his office for the term of six (6) years, or until his successor shall have been appointed and shall have qualified. He shall be president of the Board of Control and shall have general supervision of the waters of the State and of the officers connected with their distribution. No person shall be appointed to this position who has not such theoretical knowledge and such practical experience and skill as shall fit him for the position.

## ARTICLE IX.

*Mines and Mining.*

Section 1. There shall be established and maintained the office of inspector of mines, the duties and salary of which shall be prescribed by law. When said office shall be established, the Governor shall, with the advice and consent of the Senate, appoint thereto a person proven in the manner provided by law to be competent and practical, whose term of office shall be two years.

Sec. 2. The Legislature shall provide by law for the proper development, ventilation, drainage and operation of all mines in this State.

Sec. 3. No boy under the age of fourteen years, and no woman or girl of any age shall be employed or be permitted to be in or about any coal, iron or other dangerous mines for the purpose of employment therein; provided, however, this provision shall not affect the employment of a boy or female of suitable age in an office or in the performance of clerical work at such mine or colliery.

Sec. 4. For any injury to person or property caused by willful failure to comply with the provisions of this article, or laws passed in pursuance hereof, a right of action shall accrue to the party injured, for the damage sustained thereby, and in all cases in this State, whenever the death of a person shall be caused by wrongful act, neglect or default, such as would, if death had not ensued, have entitled the party injured to maintain an action to recover damages in respect thereof, the person who or the corporation which would have been liable, if death had not ensued, shall be liable for an action for damages notwithstanding the death of the person injured, and the Legislature shall provide by law at its first session for the manner in which the right of action in respect thereto shall be enforced.

Sec. 5. The Legislature may provide that the science of mining and metallurgy be taught in one of the institutions of learning under the patronage of the State.

Sec. 6. There shall be a State Geologist, who shall be appointed by the Governor of the State, with the advice and consent of the Senate. He shall hold his office for the term of six (6) years or until his successor shall have been appointed and shall have qualified. His duties and compensation shall be prescribed by law. No person shall be appointed to this position unless he has such theoretical knowledge and such practical experience and skill as shall fit him for the position; said State Geologist shall ex officio perform the duties of inspector of mines until otherwise provided by law.

## ARTICLE X.

### *Corporations.*

Section 1. The Legislature shall provide for the organization of corporations by general law. All laws relating to corporations may be altered, amended or repealed by the Legislature at any time when necessary for the public good and general welfare, and all corporations doing business in this State may

as to such business be regulated, limited or restrained by law not in conflict with the Constitution of the United States.

Sec. 2. All powers and franchises of corporations are derived from the people and are granted by their agent, the government, for the public good and general welfare, and the right and duty of the State to control and regulate them for these purposes is hereby declared. The power, rights and privileges of any and all corporations may be forfeited by willful neglect or abuse thereof. The police power of the State is supreme over all corporations as well as individuals.

Sec. 3. All existing charters, franchises, special or exclusive privileges under which an actual and bona fide organization shall not have taken place for the purpose for which formed and which shall not have been maintained in good faith to the time of the adoption of this Constitution shall thereafter have no validity.

Sec. 4. No law shall be enacted limiting the amount of damages to be recovered for causing the injury or death of any person. Any contract or agreement with any employe waiving any right to recover damages for causing the death or injury of any employe shall be void.

Sec. 5. No corporation organized under the laws of Wyoming Territory or any other jurisdiction than this State, shall be permitted to transact business in this State until it shall have accepted the constitution of this State and filed such acceptance in accordance with the laws thereof.

Sec. 6. No corporation shall have power to engage in more than one general line or department of business, which line of business shall be distinctly specified in its charter of incorporation.

Sec. 7. All corporations engaged in the transportation of persons, property, mineral oils, and mineral products, news or intelligence, including railroads, telegraphs, express companies, pipe lines and telephones, are declared to be common carriers.

Sec. 8. There shall be no consolidation or combination of corporations of any kinds whatever to prevent competition, to control or influence productions or prices thereof, or in any manner to interfere with the public good and general welfare.

Sec. 9. The right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking

property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

Sec. 10. The Legislature shall provide by suitable legislation for the organization of mutual and co-operative associations or corporations.

*Railroads.*

Section 1. Any railroad corporation or association organized for the purpose, shall have the right to construct and operate a railroad between any points within this State and to connect at the State line with railroads of other States. Every railroad shall have the right with its road to intersect, connect with or cross any other railroad, and all railroads shall receive and transport each other's passengers, and tonnage and cars, loaded or empty, without delay or discrimination.

Sec. 2. Railroad and telegraph lines heretofore constructed or that may hereafter be constructed in this State are hereby declared public highways and common carriers, and as such must be made by law to extend the same equality and impartiality to all who use them, excepting employes and their families and ministers of the gospel, whether individuals or corporations.

Sec. 3. Every railroad corporation or association operating a line of railroad within this State shall annually make a report to the Auditor of the State of its business within the State, in such form as the Legislature may prescribe.

Sec. 4. Exercise of the power and right of eminent domain shall never be so construed or abridged as to prevent the taking by the Legislature of property and franchises of incorporated companies and subjecting them to public use the same as property of individuals.

Sec. 5. Neither the State, nor any county, township, school district or municipality shall loan or give its credit or make donation to or in aid of any railroad or telegraph line; provided, that this section shall not apply to obligations of any county, city, township or school district, contracted prior to the adoption of this Constitution.

Sec. 6. No railroad or other transportation company or telegraph company in existence upon the adoption of this Constitution shall derive the benefit of any future legislation without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution.

Sec. 7. Any association, corporation or lessee of the franchises thereof organized for the purpose shall have the right to construct and maintain lines of telegraph within the State, and to connect the same with other lines.

Sec. 8. No foreign railroad or telegraph line shall do any business within the State without having an agent or agents within each county through which such railroad or telegraph line shall be constructed upon whom process may be served.

Sec. 9. No railroad company shall construct or operate a railroad within four (4) miles of any existing town or city without providing a suitable depot or stopping place at the nearest practicable point for the convenience of said town or city, and stopping all trains doing local business at said stopping place. No railroad company shall deviate from the most direct practicable line in constructing a railroad for the purpose of avoiding the provisions of this section.

## ARTICLE XI.

### *Boundaries.*

Section 1. The boundaries of the State of Wyoming shall be as follows: Commencing at the intersection of the twenty-seventh meridian of longitude west from Washington with the forty-fifth degree of north latitude, and running thence west to the thirty-fourth meridian of west longitude, thence south to the forty-first degree of north latitude, thence east to the twenty-seventh meridian of west longitude, and thence north to place of beginning.

## ARTICLE XII.

### *County Organization.*

Section 1. The several counties in the Territory of Wyoming as they shall exist at the time of the admission of said Territory as a State, are hereby declared to be the counties of the State of Wyoming.

Sec. 2. The Legislature shall provide by general law for organizing new counties, locating the county seats thereof temporarily and changing county lines. But no new county shall be formed unless it shall contain within the limits thereof property of the valuation of two million dollars, as shown by last preceding tax returns, and not then unless the remaining portion of the old county or counties shall each contain property of at least three millions of dollars of assessable valuation; and

no new county shall be organized, nor shall any organized county be so reduced as to contain a population of less than one thousand five hundred bona fide inhabitants, and in case any portion of an organized county or counties is stricken off to form a new county, the new county shall assume and be holden for an equitable proportion of the indebtedness of the county or counties so reduced. No county shall be divided unless a majority of the qualified electors of the territory proposed to be cut off voting on the proposition shall vote in favor of the division.

Sec. 3. The Legislature shall provide by general law for changing county seats in organized counties, but it shall have no power to remove the county seat of any organized county.

Sec. 4. The Legislature shall provide by general law for a system of township organization and government, which may be adopted by any county whenever a majority of the citizens thereof voting at a general election shall so determine.

Sec. 5. The Legislature shall provide by law for the election of such county officers as may be necessary.

### ARTICLE XIII.

#### *Municipal Corporations.*

Section 1. The Legislature shall provide by general laws for the organization and classification of municipal corporations. The number of such classes shall not exceed four (4), and the powers of each class shall be defined by general laws, so that no such corporations shall have any powers or be subject to any restrictions other than all corporations of the same class. Cities and towns now existing under special charters or the general laws of the territory may abandon such charter and reorganize under the general laws of the State.

Sec. 2. No municipal corporation shall be organized without the consent of the majority of the electors residing within the district proposed to be incorporated, such consent to be ascertained in the manner and under such regulations as may be prescribed by law.

Sec. 3. The Legislature shall restrict the powers of such corporations to levy taxes and assessments, to borrow money and contract debts, so as to prevent the abuse of such power, and no tax or assessment shall be levied or collected or debts contracted by municipal corporations except in pursuance of law for public purposes specified by law.



Sec. 4. No street passenger railway, telegraph, telephone or electric light line shall be constructed within the limits of any municipal organization without the consent of its local authorities.

Sec. 5. Municipal corporations shall have the same right as individuals to acquire rights by prior appropriation and otherwise to the use of water for domestic and municipal purposes, and the Legislature shall provide by law for the exercise upon the part of incorporated cities, towns and villages of the right of eminent domain for the purpose of acquiring from prior appropriators upon the payment of just compensation, such water as may be necessary for the well being thereof and for domestic uses.

#### ARTICLE XIV.

##### *Salaries.*

Section 1. All State, city, county, town and school officers, (excepting justices of the peace and constables in precincts having less than fifteen hundred population, and excepting court commissioners, boards of arbitration and notaries public) shall be paid fixed and definite salaries. The Legislature shall, from time to time, fix the amount of such salaries as are not already fixed by this Constitution, which shall in all cases be in proportion to the value of the services rendered and the duty performed.

Sec. 2. The Legislature shall provide by law the fees which may be demanded by justices of the peace and constables in precincts having less than fifteen hundred population, and of court commissioners, boards of arbitration and notaries public, which fees the said officers shall accept as their full compensation. But all other State, county, city, town and school officers shall be required by law to keep a true and correct account of all fees collected by them, and to pay the same into the proper treasury when collected, and the officer whose duty it is to collect such fees shall be held responsible, under his bond, for neglect to collect the same: Provided, That in addition to the salary of sheriff they shall be entitled to receive from the party for whom the services are rendered in civil cases such fees as may be prescribed by law.

Sec. 3. The salaries of county officers shall be fixed by law within the following limits, to wit: In counties having an assessed valuation not exceeding two millions (\$2,000,000) of

no new county shall be organized, nor shall any or be so reduced as to contain a population of less than five hundred bona fide inhabitants, and the organization of an organized county or counties into a new county, the new county shall assume an equitable proportion of the indebtedness of the counties so reduced. No county shall alter the right of the qualified electors of the territory voting on the proposition shall vote.

Sec. 3. The Legislature shall have the same right of changing county seats in organized counties as it has in unorganized counties. It shall have no power to remove the county seat of an organized county.

Sec. 4. The Legislature shall have the same right of system of township organization as it has in unorganized counties. It shall be adopted by any county and no county shall be adopted by any county thereof voting at a general election.

Sec. 5. The Legislature shall have the same right of of such county offices as it has in unorganized counties.

Section 1. The county clerk shall not be paid more than two thousand (\$2,000) dollars per year. The county clerk shall not be paid more than two thousand (\$2,000) dollars per year. The county assessor shall not be paid more than two thousand (\$2,000) dollars per year. The county assessor shall not be paid more than two thousand (\$2,000) dollars per year. The county prosecuting attorney shall not be paid more than twenty thousand (\$20,000) dollars per year. The county superintendent of schools shall not be paid more than one thousand (\$1,000) dollars per year. The county surveyor in each county shall not be paid more than eight (\$8.00) dollars per day, for each day actually engaged in the performance of the duties of his office.

Sec. 4. The Legislature shall provide by general law for such deputies as the public necessities may require, and shall fix their compensation.

Sec. 5. Any county officers performing the duties usually performed by the officers named in this article shall be considered as referred to by section 3 of this article, regardless of the title by which their offices may hereafter be designated.

CONSTITUTION OF WYOMING.  
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exceed four mills on the dollar of the assessed valua-

the property in the State except for the support of State  
educational and charitable institutions, the payment of the State  
debt and the interest thereon.

Sec. 5. For county revenue there shall be levied annually  
a tax not to exceed twelve mills on the dollar for all purposes  
including general school tax, exclusive of State revenue, except  
for the payment of its public debt and the interest thereon.  
An additional tax of two dollars for each person between the  
ages of twenty-one years and fifty years, inclusive, shall be  
annually levied for county school purposes.

Sec. 6. No incorporated city or town shall levy a tax to  
exceed eight mills on the dollar in any one year, except for the  
payment of its public debt and the interest thereon.

Sec. 7. All moneys belonging to the State, or to any county,  
city, town, village or other subdivision therein, except as herein  
otherwise provided, shall, whenever practicable, be deposited  
in a national bank or banks, or in a bank or banks incorporated  
under the laws of this State: Provided, That the bank or banks

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ages of twenty-one years and fifty years, inclusive, shall be  
annually levied for county school purposes.  
Sec. 6. No incorporated city or town shall levy a tax to  
exceed eight mills on the dollar in any one year, except for the  
payment of its public debt and the interest thereon.  
Sec. 7. All moneys belonging to the State, or to any county,  
city, town, village or other subdivision therein, except as herein  
otherwise provided, shall, whenever practicable, be deposited  
in a national bank or banks, or in a bank or banks incorporated  
under the laws of this State: Provided, That the bank or banks

in which such money is deposited shall furnish security to be approved as provided by law, and shall also pay a reasonable rate of interest thereon. Such interest shall accrue to the fund from which it is derived.

Sec. 8. The making of profit, directly or indirectly, out of State, county, city, town or school district money or other public fund, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

Sec. 9. There shall be a State board, composed of the State Auditor, Treasurer and Secretary of State.

Sec. 10. The duties of the State Board shall be as follows: To fix a valuation each year for the assessment of live stock and to notify the several county boards of equalization of the rate so fixed at least ten (10) days before the day fixed for beginning assessments; to assess at their actual value the franchises, roadway, roadbed, rails and rolling stock and all other property used in the operation of all railroads and other common carriers, except machine shops, rolling mills and hotels in this State; such assessed valuation shall be apportioned to the counties in which said roads and common carriers are located, as a basis for taxation of such property: Provided, That the assessment so made shall not apply to incorporated towns and cities. Said board shall also have power to equalize the valuation on all property in the several counties for the State revenue and such other duties as may be prescribed by law.

Sec. 11. All property, except as in this Constitution otherwise provided, shall be uniformly assessed for taxation, and the Legislature shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal.

Sec. 12. The property of the United States, the State, counties, cities, towns, school districts, municipal corporations and public libraries, lots with the buildings thereon used exclusively for religious worship, church parsonages, public cemeteries, shall be exempt from taxation, and such other property as the Legislature may by general law provide.

Sec. 13. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

Sec. 14. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State or any county or other municipal corporation shall be a party.

ARTICLE XVI

*Public Indebtedness.*

Section 1. The State of Wyoming shall not, in any manner, create any indebtedness exceeding one per centum on the assessed value of the taxable property in the State, as shown by the last general assessment for taxation, preceding; except to suppress insurrection or to provide for the public defense.

Sec. 2. No debt in excess of the taxes for the current year, shall in any manner be created in the State of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people and by them approved; except to suppress insurrection or to provide for the public defense.

Sec. 3. No county in the State of Wyoming shall in any manner create any indebtedness, exceeding two per centum on the assessed value of taxable property in such county, as shown by the last general assessment, preceding; provided, however, that any county, city, town, village or other sub-division thereof in the State of Wyoming, may bond its public debt existing at the time of the adoption of this Constitution, in any sum not exceeding four per centum of the assessed value of the taxable property in such county, city, town, village or other sub-division, as shown by the last general assessment for taxation.

Sec. 4. No debt in excess of the taxes for the current year shall, in any manner, be created by any county or sub-division thereof, or any city, town or village, or any sub-division thereof in the State of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people thereof and by them approved.

Sec. 5. No city, town or village, or any sub-division thereof, or any sub-division of any county of the State of Wyoming, shall, in any manner, create any indebtedness exceeding two per centum of the assessed value of the taxable property therein; provided, however, that any city, town or village may be authorized to create an additional indebtedness, not exceeding four per centum of the assessed value of the taxable property therein as shown by the last preceding general assessment, for the purpose of building sewerage therein. Debts contracted for supplying water to such city or town are excepted from the operation of this section.

Sec. 6. Neither the State nor any county, city, township town, school district, or any other political sub-division, shall loan or give its credit or make donations to or in aid of any individual, association or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation. The State shall not engage in any work of internal improvement unless authorized by a two-thirds vote of the people.

Sec. 7. No money shall be paid out of the State Treasury except upon appropriation by law and on warrant drawn by the proper officer, and no bills, claims, accounts or demands against the State, or any county or political sub-division, shall be audited, allowed or paid until a full itemized statement in writing, verified by affidavit, shall be filed with the officer or officers whose duty it may be to audit the same.

Sec. 8. No bond or evidence of indebtedness of the State shall be valid unless the same shall have endorsed thereon a certificate signed by the Auditor and Secretary of State that the bond or evidence or debt is issued pursuant to law and is within the debt limit. No bond or evidence of debt of any county, or bond of any township or other political sub-division, shall be valid unless the same shall have endorsed thereon a certificate signed by the county auditor or other officer authorized by law to sign such certificate, stating that said bond or evidence of debt is issued pursuant to law and is within the debt limit.

## ARTICLE XVII.

### *State Militia.*

Section 1. The militia of the State shall consist of all able bodied male citizens of the State, between the ages of eighteen and forty-five years; except such as are exempted by the law of the United States or the State. But all such citizens having scruples of conscience averse to bearing arms shall be excused therefrom upon such conditions as shall be prescribed by law.

Sec. 2. The Legislature shall provide by law for the enrollment, equipment and discipline of the militia to conform as nearly as practicable to the regulations for the government of the armies of the United States.

Sec. 3. All militia officers shall be commissioned by the Governor, the manner of their selection to be provided by law, and may hold their commissions for such period of time as the Legislature may provide.

Sec. 4. No military organization under the laws of the State shall carry any banner or flag representing any sect or society or the flag of any nationality but that of the United States.

Sec. 5. The Governor shall be Commander-in-Chief of all the military forces of the State, and shall have power to call out the militia to preserve the public peace, to execute the laws of the State, to suppress insurrection or repel invasion.

#### ARTICLE XVIII

##### *Public Loans and Donations.*

Section 1. The State of Wyoming hereby agrees to accept the grants of land heretofore made, or that may be hereafter made by the United States to the State, for educational purposes, for public buildings and institutions and for other objects, and donations of money with the conditions and limitations that may be imposed by the act or acts of Congress, making such grants or donations. Such lands shall be disposed of only at public auction to the highest responsible bidder, after having been duly appraised by the land commissioners, at not less than three-fourths of the appraised value thereof, and for not less than \$10 per acre: Provided, That in case of actual and bona fide settlement and improvement thereon at the time of the adoption of this Constitution, such actual settler shall have the preference right to purchase the land whereon he may have settled, not exceeding 160 acres at a sum not less than the appraised value thereof, and in making such appraisement the value of improvements shall not be taken into consideration. If, at any time hereafter, the United States shall grant any arid lands in the State to the State, on the condition that the State reclaim and dispose of them to actual settlers, the Legislature shall be authorized to accept such arid lands on such conditions, or other conditions, if the same are practicable and reasonable.

Sec. 2. The proceeds from the sale and rental of all lands and other property donated, granted or received, or that may hereafter be donated, granted or received, from the United States or any other source, shall be inviolably appropriated and applied to the specific purposes specified in the original grant or gift.

Sec. 3. The Governor, Superintendent of Public Instruction and Secretary of State, shall constitute a board of land commissioners who, under such regulations as may be provided by

law, shall have the direction, control, disposition and care of all lands that have been heretofore or may hereafter be granted to the State.

Sec. 4. The Legislature shall enact the necessary laws for the sale, disposal, leasing or care of all lands that have been or may hereafter be granted to the State, and shall, at the earliest practicable period, provide by law for the location and selection of all lands that have been or may hereafter be granted by Congress to the State, and shall pass laws for the suitable keeping, transfer and disbursement of the land grant funds, and shall require of all officers charged with the safe-keeping thereof to give ample bonds for all moneys and funds received by them.

Sec. 5. Except a preference right to buy as in this Constitution otherwise provided, no law shall ever be passed by the Legislature granting any privileges to persons who may have settled upon any of the school lands granted to the State subsequent to the survey thereof by the general government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished directly or indirectly.

Sec. 6. If any portion of the interest or income of the perpetual school fund be not expended during the year, said portion shall be added to and become a part of the said school fund.

#### ARTICLE XIX.

##### *Miscellaneous Live-Stock.*

Section 1. The Legislature shall pass all necessary laws to provide for the protection of live stock against the introduction or spread of pleuro-pneumonia, glanders, splenetic or Texas fever, or other infectious or contagious diseases. The Legislature shall also establish a system of quarantine, or inspection, and such other regulations as may be necessary for the protection of stock owners, and most conducive to the stock interests within the State.

##### *Concerning Labor.*

Section 1. Eight (8) hours actual work shall constitute a lawful day's work in all mines, and on all State and municipal works.

##### *Labor on Public Works.*

Section 1. No person not a citizen of the United States or who has not declared his intention to become such, shall be employed



upon or in connection with any State, county or municipal works or employment.

Sec. 2. The Legislature shall, by appropriate legislation, see that the provisions of the foregoing section are enforced.

*Boards of Arbitration.*

Section 1. The Legislature shall establish courts of arbitration, whose duty it shall be to hear, and determine all differences, and controversies between organizations or associations of laborers, and their employers, which shall be submitted to them in such manner as the Legislature may provide.

*Police Powers.*

Section 1. No armed police force, or detective agency, or armed body, or unarmed body of men, shall ever be brought into this State, for the suppression of domestic violence, except upon the application of the Legislature, or executive, when the Legislature cannot be convened.

*Labor Contracts.*

Section 1. It shall be unlawful for any person, company, or corporation, to require from its servants or employees as a condition of their employment, or otherwise, any contract or agreement, whereby such person, company or corporation shall be released or discharged from liability or responsibility, on account of personal injuries received by such servants or employees, while in the service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employees thereof, and such contracts shall be absolutely null and void.

*Arbitration.*

Section 1. The Legislature may provide by law for the voluntary submission of differences to arbitrators for determination, and said arbitrators shall have such powers and duties as may be prescribed by law, but they shall have no power to render judgment to be obligatory on parties, unless they voluntarily submit their matters of difference and agree to abide by the judgment of such arbitrators.

*Homesteads.*

Section 1. A homestead as provided by law shall be exempt from forced sale under any process of law, and shall not be

alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon.

## ARTICLE XX.

### *Amendments.*

Section 1. Any amendment or amendments to this Constitution may be proposed in either branch of the Legislature, and, if the same shall be agreed to by two-thirds of all the members of each of the two houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and it shall be the duty of the Legislature to submit such amendment or amendments to the electors of the State at the next general election, and cause the same to be published without delay for at least twelve (12) consecutive weeks, prior to said election, in at least one newspaper of general circulation, published in each county, and if a majority of the electors shall ratify the same, such amendment or amendments shall become a part of this Constitution.

Sec. 2. If two or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.

Sec. 3. Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to call a convention to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at such election shall have voted for a convention, the Legislature shall at the next session provide by law for calling the same; and such convention shall consist of a number of members, not less than double that of the most numerous branch of the Legislature.

Sec. 4. Any Constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

## ARTICLE XXI.

### *Schedule.*

Section 1. That no inconvenience may arise from a change of the territorial government to a permanent State government,

it is declared that all writs, actions, prosecutions, claims, liabilities and obligations against the Territory of Wyoming, of whatever nature, and rights of individuals, and of bodies corporate, shall continue as if no change had taken place in this government, and all process which may, before the organization of the judicial department under this Constitution, be issued under the authority of the Territory of Wyoming, shall be as valid as if issued in the name of the State.

Sec. 2. All property, real and personal, and all moneys, credits, claims and choses in action, belonging to the Territory of Wyoming, at the time of the adoption of this Constitution, shall be vested in and become the property of the State of Wyoming.

Sec. 3. All laws now in force in the Territory of Wyoming, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the Legislature.

Sec. 4. All fines, penalties, forfeitures and escheats, accruing to the Territory of Wyoming, shall accrue to the use of the State.

Sec. 5. All recognizances, bonds, obligations or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this Constitution shall remain valid, and shall pass over to and may be prosecuted in the name of the State, and all bonds, obligations or other undertakings executed to this territory, or to any officer in his official capacity, shall pass over to the proper State authority and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen or which may arise before the organization of the judicial department under this Constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

Sec. 6. All officers, civil and military, holding their offices and appointments in this territory, under the authority of the United States or under the authority of this territory, shall continue to hold and exercise their respective offices and appointments until suspended under this Constitution.

Sec. 7. This Constitution shall be submitted for adoption or rejection to a vote of the qualified electors of this territory

dollars, the sheriff shall be paid not more than fifteen hundred dollars per year. The county clerk shall not be paid more than twelve hundred (\$1,200) dollars per year. The county and prosecuting attorney shall not be paid more than twelve hundred (\$1,200) dollars per year. The county treasurer shall not be paid more than one thousand (\$1,000) dollars per year. The county assessor shall not be paid more than one thousand (\$1,000) dollars per year. The county superintendent of schools shall not be paid more than five hundred (\$500) dollars per year.

In counties having an assessed valuation of more than two millions (\$2,000,000) of dollars and not exceeding five millions (\$5,000,000) of dollars, the sheriff shall not be paid more than two thousand (\$2,000) dollars per year. The county clerk shall not be paid more than eighteen hundred (\$1,800) dollars per year. The county treasurer shall not be paid more than eighteen hundred (\$1,800) dollars per year. The county assessor shall not be paid more than twelve hundred (\$1,200) dollars per year. The county and prosecuting attorney shall not be paid more than fifteen hundred (\$1,500) dollars per year. The county superintendent of schools shall not be paid more than seven hundred and fifty (\$750) dollars per year.

In counties having more than five millions (\$5,000,000) dollars assessed valuation the sheriff shall not be paid more than two thousand (\$2,000) dollars per year. The county clerk shall not be paid more than two thousand (\$2,000) dollars per year. The county treasurer shall not be paid more than two thousand (\$2,000) dollars per year. The county assessor shall not be paid more than fifteen hundred (\$1,500) dollars per year. The county and prosecuting attorney shall not be paid more than twenty-five hundred (\$2,500) dollars per year. The county superintendent of schools shall not be paid more than one thousand (\$1,000) dollars per year. The county surveyor in each county shall received not to exceed eight (\$8.00) dollars per day, for each day actually engaged in the performance of the duties of his office.

Sec. 4. The Legislature shall provide by general law for such deputies as the public necessities may require, and shall fix their compensation.

Sec. 5. Any county officers performing the duties usually performed by the officers named in this article shall be considered as referred to by section 3 of this article, regardless of the title by which their offices may hereafter be designated.

Sec. 6. Whenever practicable the Legislature may, and whenever the same can be done without detriment to the public service, shall consolidate offices in State, county and municipalities respectively, and whenever so consolidated, the duties of such additional office shall be performed under an ex officio title.

#### ARTICLE XV.

##### *Taxation and Revenue.*

Section 1. All lands and improvements thereon shall be listed for assessment, valued for taxation and assessed separately.

Sec. 2. All coal lands in the State from which coal is not being mined shall be listed for assessment, valued for taxation and assessed according to value.

Sec. 3. All mines and mining claims from which gold, silver and other precious metals, soda, saline, coal, mineral oil or other valuable deposit, is or may be produced, shall be taxed in addition to the surface improvements, and in lieu of taxes on the lands, on the gross product thereof, as may be prescribed by law: Provided, That the product of all mines shall be taxed in proportion to the value thereof.

Sec. 4. For State revenue there shall be levied annually a tax not to exceed four mills on the dollar of the assessed valuation of the property in the State except for the support of State educational and charitable institutions, the payment of the State debt and the interest thereon.

Sec. 5. For county revenue there shall be levied annually a tax not to exceed twelve mills on the dollar for all purposes including general school tax, exclusive of State revenue, except for the payment of its public debt and the interest thereon. An additional tax of two dollars for each person between the ages of twenty-one years and fifty years, inclusive, shall be annually levied for county school purposes.

Sec. 6. No incorporated city or town shall levy a tax to exceed eight mills on the dollar in any one year, except for the payment of its public debt and the interest thereon.

Sec. 7. All moneys belonging to the State, or to any county, city, town, village or other subdivision therein, except as herein otherwise provided, shall, whenever practicable, be deposited in a national bank or banks, or in a bank or banks incorporated under the laws of this State: Provided, That the bank or banks

in which such money is deposited shall furnish security to be approved as provided by law, and shall also pay a reasonable rate of interest thereon. Such interest shall accrue to the fund from which it is derived.

Sec. 8. The making of profit, directly or indirectly, out of State, county, city, town or school district money or other public fund, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

Sec. 9. There shall be a State board, composed of the State Auditor, Treasurer and Secretary of State.

Sec. 10. The duties of the State Board shall be as follows: To fix a valuation each year for the assessment of live stock and to notify the several county boards of equalization of the rate so fixed at least ten (10) days before the day fixed for beginning assessments; to assess at their actual value the franchises, roadway, roadbed, rails and rolling stock and all other property used in the operation of all railroads and other common carriers, except machine shops, rolling mills and hotels in this State; such assessed valuation shall be apportioned to the counties in which said roads and common carriers are located, as a basis for taxation of such property: Provided, That the assessment so made shall not apply to incorporated towns and cities. Said board shall also have power to equalize the valuation on all property in the several counties for the State revenue and such other duties as may be prescribed by law.

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## ARTICLE XVI

*Public Indebtedness.*

Section 1. The State of Wyoming shall not, in any manner, create any indebtedness exceeding one per centum on the assessed value of the taxable property in the State, as shown by the last general assessment for taxation, preceding; except to suppress insurrection or to provide for the public defense.

Sec. 2. No debt in excess of the taxes for the current year, shall in any manner be created in the State of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people and by them approved; except to suppress insurrection or to provide for the public defense.

Sec. 3. No county in the State of Wyoming shall in any manner create any indebtedness, exceeding two per centum on the assessed value of taxable property in such county, as shown by the last general assessment, preceding; provided, however, that any county, city, town, village or other sub-division thereof in the State of Wyoming, may bond its public debt existing at the time of the adoption of this Constitution, in any sum not exceeding four per centum of the assessed value of the taxable property in such county, city, town, village or other sub-division, as shown by the last general assessment for taxation.

Sec. 4. No debt in excess of the taxes for the current year shall, in any manner, be created by any county or sub-division thereof, or any city, town or village, or any sub-division thereof in the State of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people thereof and by them approved.

Sec. 5. No city, town or village, or any sub-division thereof, or any sub-division of any county of the State of Wyoming, shall, in any manner, create any indebtedness exceeding two per centum of the assessed value of the taxable property therein; provided, however, that any city, town or village may be authorized to create an additional indebtedness, not exceeding four per centum of the assessed value of the taxable property therein as shown by the last preceding general assessment, for the purpose of building sewerage therein. Debts contracted for supplying water to such city or town are excepted from the operation of this section.

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Section 1. Any amendment or amendments to this Constitution may be proposed in either branch of the Legislature, and, if the same shall be agreed to by two-thirds of all the members of each of the two houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and it shall be the duty of the Legislature to submit such amendment or amendments to the electors of the State at the next general election, and cause the same to be published without delay for at least twelve (12) consecutive weeks, prior to said election, in at least one newspaper of general circulation, published in each county, and if a majority of the electors shall ratify the same, such amendment or amendments shall become a part of this Constitution.

Sec. 2. If two or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.

Sec. 3. Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to call a convention to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at such election shall have voted for a convention, the Legislature shall at the next session provide by law for calling the same; and such convention shall consist of a number of members, not less than double that of the most numerous branch of the Legislature.

Sec. 4. Any Constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

## ARTICLE XXI.

### *Schedule.*

Section 1. That no inconvenience may arise from a change of the territorial government to a permanent State government,

it is declared that all writs, actions, prosecutions, claims, liabilities and obligations against the Territory of Wyoming, of whatever nature, and rights of individuals, and of bodies corporate, shall continue as if no change had taken place in this government, and all process which may, before the organization of the judicial department under this Constitution, be issued under the authority of the Territory of Wyoming, shall be as valid as if issued in the name of the State.

Sec. 2. All property, real and personal, and all moneys, credits, claims and choses in action, belonging to the Territory of Wyoming, at the time of the adoption of this Constitution, shall be vested in and become the property of the State of Wyoming.

Sec. 3. All laws now in force in the Territory of Wyoming, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the Legislature.

Sec. 4. All fines, penalties, forfeitures and escheats, accruing to the Territory of Wyoming, shall accrue to the use of the State.

Sec. 5. All recognizances, bonds, obligations or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this Constitution shall remain valid, and shall pass over to and may be prosecuted in the name of the State, and all bonds, obligations or other undertakings executed to this territory, or to any officer in his official capacity, shall pass over to the proper State authority and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen or which may arise before the organization of the judicial department under this Constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

Sec. 6. All officers, civil and military, holding their offices and appointments in this territory, under the authority of the United States or under the authority of this territory, shall continue to hold and exercise their respective offices and appointments until suspended under this Constitution.

Sec. 7. This Constitution shall be submitted for adoption or rejection to a vote of the qualified electors of this territory

at an election to be held on the first Tuesday in November, A. D., 1889. Said election, as nearly as may be, shall be conducted in all respects in the same manner as provided by the laws of the territory for general elections, and the returns thereof shall be made to the secretary of said territory, who with the Governor and chief justice thereof, or any two of them, shall canvass the same, and if a majority of the legal votes cast shall be for the Constitution the Governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and a copy of said Constitution, articles, propositions and ordinances. At the said election the ballots shall be in the following form: "For the Constitution — Yes. No." And as a heading to each of said ballots, shall be printed on each ballot the following instructions to voters: "All persons who desire to vote for the Constitution may erase the word 'No.' All persons who desire to vote against the Constitution may erase the word 'Yes.'" Any person may have printed or written on his ballot only the words: "For the Constitution," or "Against the Constitution," and such ballots shall be counted for or against the Constitution accordingly.

Sec. 8. This Constitution shall take effect and be in full force immediately upon the admission of the territory as a State.

Sec. 9. Immediately upon the admission of the territory as a State, the Governor of the territory, or in case of his absence or failure to act, the secretary of the territory, or in case of his absence or failure to act, the president of this convention shall issue a proclamation, which shall be published and a copy thereof mailed to the chairman of the board of county commissioners of each county, calling an election by the people for all State, district or other officers, created and made elective by this Constitution, and fixing a day for such election, which shall not be less than forty days after the date of such proclamation nor more than ninety days after the admission of the territory as a State.

Sec. 10. The board of commissioners of the several counties shall thereupon order such election for said day, and shall cause notice thereof to be given, in the manner and for the length of time provided by the laws of the territory in cases of general elections for Delegate to Congress, and county and other officers. Every qualified elector of the territory at the date of said election shall be entitled to vote thereat. Said election shall be

conducted in all respects in the same manner as provided by the laws of the territory for general elections, and the returns thereof shall be made to the canvassing board hereinafter provided for.

Sec. 11. The Governor, Secretary of the Territory and president of this convention, or a majority of them, shall constitute a board of canvassers to canvass the vote of such election for member of Congress, all State and district officers and members of the Legislature. The said board shall assemble at the seat of government of the territory on the thirtieth day after the day of such election (or on the following day if such day fall on Sunday) and proceed to canvass the votes for all State and district officers and members of the Legislature, in the manner provided by the laws of the territory for canvassing the vote for Delegate to Congress, and they shall issue certificates of election to the persons found to be elected to said offices, severally, and shall make and file with the Secretary of the Territory an abstract certified by them of the number of votes cast for each person, for each of said offices, and of the total number of votes cast in each county.

Sec. 12. All officers elected at such election, except members of the Legislature shall, within thirty days after they have been declared elected, take the oath required by this Constitution, and give the same bond required by the law of the territory or district, and shall thereupon enter upon the duties of their respective offices; but the Legislature may require by law all such officers to give other and further bonds as a condition of their continuance in office.

Sec. 13. The Governor-elect of the State, immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the Legislature of the State at the seat of government, on a day to be named in said proclamation, and which shall not be less than thirty nor more than sixty days after the date of such proclamation. Within ten days after the organization of the Legislature, both houses of the Legislature, in joint session, shall then and there proceed to elect, as provided by law, two Senators of the United States for the State of Wyoming. At said election the two persons who shall receive the majority of all the votes cast by said Senators and Representatives shall be elected as such United States Senators, and shall be so declared by the presiding officers of said joint

session. The presiding officers of the Senate and House shall issue a certificate to each of said Senators certifying his election, which certificate shall also be signed by the Governor and attested by the Secretary of State.

Sec. 14. The Legislature shall pass all necessary laws to carry into effect the provisions of this Constitution.

Sec. 15. Whenever any two of the judges of the Supreme Court of the State, elected under the provisions of this Constitution, shall have qualified in their offices, the causes then pending in the Supreme Court of the Territory, and the papers, records and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Supreme Court of the State; and until so superseded the Supreme Court of the Territory and the judges thereof shall continue with like powers and jurisdiction, as if this Constitution had not been adopted. Whenever the judge of the District Court of any district, elected under the provisions of this Constitution, shall have qualified in office, the several causes then pending in the District Court of the Territory, within any county in such district, and the records, papers and proceedings of said District Court and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the District Court of the State for such county; and until the District Courts of this Territory shall be superseded in the manner aforesaid the said District Courts and the judges thereof shall continue with the same jurisdiction and power to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the territory.

Sec. 16. Until otherwise provided by law the seals now in use in the Supreme and District Courts of this Territory are hereby declared to be the seals of the Supreme and District Courts respectively, of the State.

Sec. 17. Whenever this Constitution shall go into effect, records and papers and proceedings of the Probate Court in each county, and all causes and matters of administration and other matters pending therein, shall pass into the jurisdiction and possession of the District Court of the same county, and the said District Court shall proceed to final decree or judgment order or other determination in the said several matters and causes, as the said Probate Court might have done if this Constitution had not been adopted.



Sec. 18. Senators and members of the House of Representatives shall be chosen by the qualified electors of the several senatorial and representative districts as established in this Constitution, until such districts shall be changed by law, and thereafter by the qualified electors of the several districts as the same shall be established by law.

Sec. 19. All county and precinct officers who may be in office at the time of the adoption of this Constitution, shall hold their respective offices for the full time for which they may have been elected, and until such time as their successors may be elected and qualified, as may be provided by law, and the official bonds of all such officers shall continue in full force and effect as though this Constitution had not been adopted.

Sec. 20. Members of the Legislature and all State officers, district and supreme judges elected at the first election held under this Constitution shall hold their respective offices for the full term next ensuing such election, in addition to the period intervening between the date of their qualification and the commencement of such full term.

Sec. 21. If the first session of the Legislature under this Constitution shall be concluded within twelve months of the time designated for a regular session thereof, then the next regular session following said special session shall be omitted.

Sec. 22. The first regular election that would otherwise occur following the first session of the Legislature, shall be omitted, and all county and precinct officers elected at the first election held under this Constitution shall hold their office for the full term thereof, commencing at the expiration of the term of the county and precinct officers then in office, or the date of their qualification.

Sec. 23. This convention does hereby declare on behalf of the people of the Territory of Wyoming, that this Constitution has been prepared and submitted to the people of the territory of Wyoming for their adoption or rejection, with no purpose of setting up or organizing a State government until such time as the Congress of the United States shall enact a law for the admission of the Territory of Wyoming as a State under its provisions.

#### ORDINANCES.

The following article shall be irrevocable without the consent of the United States and the people of this State:

Section 1. The State of Wyoming is an inseparable part of the Federal Union and the Constitution of the United States is the supreme law of the land.

Sec. 2. Perfect toleration of religious sentiment shall be secured, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

Sec. 3. The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States and that said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to the citizens of the United States residing without this State shall never be taxed at a higher rate than the lands belonging to the residents of this State; that no taxes shall be imposed by this State on lands or property therein, belonging to, or which may hereafter be purchased by the United States, or reserved for its use. But nothing in this article shall preclude this State from taxing as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person, a title thereto, by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any acts of Congress containing a provision exempting the lands thus granted from taxation, which last mentioned lands shall be exempt from taxation so long, and to such an extent, as is, or may be provided in the act of Congress granting the same.

Sec. 4. All debts and liabilities of the Territory of Wyoming shall be assumed and paid by this State.

Sec. 5. The Legislature shall make laws for the establishment and maintenance of systems of public schools which shall be open to all the children of the State and free from sectarian control.

Done in open convention, at the City of Cheyenne, in the Territory of Wyoming, this 30th day of September in the year of our Lord one thousand eight hundred and eighty-nine.

Attest:

JOHN K. JEFFREY,

Secretary.

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AN ACT GOVERNING  
THE  
DISTRICT OF COLUMBIA.

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# AN ACT GOVERNING THE DISTRICT OF COLUMBIA.

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## ARTICLE I.

### Section

1. Limits of the District of Columbia.
2. How governed.
3. A municipal corporation.—Commissioners' officers of District.
4. Laws continued in force.

## ARTICLE II.

1. Two citizens and officers of engineers appointed and detailed.
2. Enter on duty July 1, 1878.
3. Officers detailed to perform no other duty.—Salary of.
4. Qualifications of persons appointed.
5. Commissioners shall elect a president.
6. Shall take an oath of office.
7. Compensation of civil commissioners.—Give bonds.
8. Term of office of civil commissioners.
9. Commissioners and officers disqualified as bail.
10. Contractors disqualified as bail.

## ARTICLE III.

1. Commissioners successors of old board, whose functions cease July 1.
2. Powers and duties of commissioners.
3. Limitation of powers to contract.
4. Power over hack stands.
5. Penalty for violating orders in reference to hacks.
6. Lawful taxes to be collected.
7. Taxes shall not be anticipated.
8. May borrow \$200,000.
9. Power over officers and employees.
10. Power to maintain lamps out of

### Section

- city limits.—All rights under pending suits saved.
12. Shall submit estimates to Secretary of the Treasury.
13. Shall submit estimates for bridges, charities, etc.
14. The United States retains its present control of public works.
15. Secretary of the Treasury to revise estimates.—Commissioners to report estimates to Congress.
16. Congress to appropriate one-half.
17. One-half paid by taxation.
18. How taxes are assessed and collected.
19. Rate of tax on property in cities.
20. Rate of tax on agricultural property in country.
21. Collector to publish notice of payment of taxes.
22. Deduction of tax, when made.
23. Penalties under act of March 3, 1877, suspended.

## ARTICLE IV.

1. May prescribe duties of assessors and times of payment of taxes.
2. Taxes where paid, and how disbursed.
3. All accounts settled by Treasury department.
4. Secretary of the Treasury is to pay interest on the 365 bonds and credit amount to United States.

## ARTICLE V.

1. Costs for public works, repairs, etc., how advertised.
2. Awarded to the lowest bidder.

**Section**

3. Commissioners may reject all bids.
4. Work not to be subdivided.
5. Contracts only made by the concurrence of all the commissioners.
6. Contracts invalid unless recorded.
7. No pavement shall be accepted, but of the best material and work.
8. Contracts secured by penal bonds approved by the commissioners.
9. Contractors to keep work in repair five years.
10. Ten per cent of the cost of all new works shall be retained as an additional security.
11. Portion of public works chargeable to street railroad companies.
12. How tracks shall be paved.
13. United States pay half of all costs under article 5, except that done by railroad companies.
14. Paid on warrants of commissioners by the Secretary of the Treasury.
15. When the District to pave tracks of railroad companies.
16. Commissioners may issue certificates of indebtedness against their property, etc.
17. If certificates are not paid property, to be sold.
18. Duties of railroad companies where tracks intersect.
19. Water and gas mains and pipes to be laid before streets are improved.
20. Washington Gas-light Company to care for its mains, etc.
21. Two subordinate engineers detailed from army by the President.

**ARTICLE VI.**

1. Metropolitan police board abolished.—Board of trustees of public schools abolished.

**Section**

2. Commissioners appoint trustees of public schools.

**ARTICLE VII.**

1. Sinking fund commissioners abolished.—Duties performed by the United States Treasurer.

**ARTICLE VIII.**

1. Board of health exceeded by health officers under control of commissioners.

**ARTICLE IX.**

1. Commissioners appoint sanitary inspector of District.—Number and qualification.
2. Inspector's report, how and when.
3. Health officers report to commissioners.

**ARTICLE X.**

1. The commissioners may appoint, on recommendation of health officer a reasonable number of clerks.

**ARTICLE XI.**

1. Salary of health officer.
2. Sanitary inspector's compensation.
3. Salaries of the clerks.

**ARTICLE XII.**

1. Commissioners report to Congress.—Drafts of law.
2. To report annually their acts in detail.

**ARTICLE XIII.**

1. The present debt of the District not to be increased.
2. Penalty for increasing debt of the District.

**ARTICLE XIV.**

1. The act of June 17, 1870, construed.—Revised statutes of District of Columbia.
2. Taxes remitted on school property.
3. Above act limited.

**ARTICLE XV.**

1. Repealing clause.

SECTION I.

1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the territory which was ceded by the State of Maryland to the Congress of the United States for the permanent seat of the government of the United States shall continue to be designated as the District of Columbia.

2. Said District and the property and persons that may be therein shall be subject to the following provisions for the government of the same, and also to any existing laws applicable thereto not hereby repealed or inconsistent with the provisions of this act.

3. The District of Columbia shall remain and continue a municipal corporation, as provided in section two of the Revised Statutes relating to said District, and the Commissioners herein provided for shall be deemed and taken as officers of such corporation.

4. And all laws now in force relating to the District of Columbia not inconsistent with the provisions of this act shall remain in full force and effect.

SECTION II.

1. That within twenty days after the approval of this act the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint two persons, who, with an officer of the Corps of Engineers of the United States army, whose lineal rank shall be above that of captain, shall be Commissioners of the District of Columbia.

2. And who, from and after July first, eighteen hundred and seventy-eight, shall exercise all the powers and authority now vested in the Commissioners of said District, except as are hereinafter limited or provided, and shall be subject to all restrictions and limitations and duties which are now imposed upon said Commissioners.

3. The Commissioner who shall be an officer detailed from time to time from the Corps of Engineers by the President for this duty shall not be required to perform any other, nor shall he receive any other compensation than his regular pay and allowances as an officer of the army.

4. The two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States,

and shall have been actual residents of the District of Columbia for three years next before their appointment, and have, during that period, claimed residence nowhere else.

5. And one of said three Commissioners shall be chosen president of the Board of Commissioners at their first meeting, and annually and whenever a vacancy shall occur thereafter.

6. And said Commissioners shall each of them, before entering upon the discharge of his duties, take an oath or affirmation to support the Constitution of the United States and to faithfully discharge the duties imposed upon him by law.

7. And said Commissioners appointed from civil life shall each receive for his services a compensation at the rate of five thousand dollars per annum, and shall, before entering upon the duties of the office, each give bond in the sum of fifty thousand dollars, with surety as is required by existing law.

8. The official term of said Commissioners appointed from civil life shall be three years, and until their successors are appointed and qualified; but the first appointment shall be one Commissioner for one year and one for two years, and at the expiration of their respective terms their successors shall be appointed for three years.

9. Neither of said Commissioners nor any officer whatsoever of the District of Columbia shall be accepted as surety upon any bond required to be given to the District of Columbia.

10. Nor shall any contractor be accepted as surety for any officer or other contractor in said District.

### SECTION III.

1. That as soon as the Commissioners appointed and detailed as aforesaid shall have taken and subscribed the oath or affirmation hereinbefore required all the powers, rights, duties and privileges lawfully exercised by and all property, estate and effects now vested by law in the Commissioners appointed under the provisions of the act of Congress approved June twentieth, eighteen hundred and seventy-four, shall be transferred to and vested in and imposed upon said Commissioners; and the functions of the Commissioners so appointed under the act of June twentieth, eighteen hundred and seventy-four, shall cease and determine.

2. And the Commissioners of the District of Columbia shall have power, subject to the limitations and provisions herein con-



tained, to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia and exercise the duties, powers and authority aforesaid.

3. But said Commissioners, in the exercise of such duties, powers and authority, shall make no contract, nor incur any obligation other than such contracts and obligations as are hereinafter provided for and shall be approved by Congress.

4. The Commissioners shall have power to locate the places where hacks shall stand and change them as often as the public interests require.

5. Any person violating any orders lawfully made in pursuance of this power shall be subject to a fine of not less than ten nor more than one hundred dollars, to be recovered before any justice of the peace in an action in the name of the Commissioners.

6. All taxes heretofore lawfully assessed and due or to become due shall be collected pursuant to law, except as herein otherwise provided.

7. But said Commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes or evidences thereof.

8. But they may borrow for the first fiscal year after this act takes effect, in anticipation of collection of revenue, not to exceed two hundred thousand dollars, at a rate of interest not exceeding five per centum per annum, which shall be repaid out of the revenues of that year.

9. And said Commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employes, remove from office, and make appointments to any office under them authorized by law.

10. Said Commissioners shall have power to erect, light and maintain lamp-posts, with lamps, outside of the city limits, when, in their judgment, it shall be deemed proper or necessary.

Provided, That nothing in this act contained shall be construed to abate in any wise or interfere with any suit pending in favor of or against the District of Columbia or the Commissioners

hundred and seventy-seven, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes," or with other existing laws, prescribe the time or times for the payment of all taxes and the duties of assessors and collectors in relation thereto.

2. All taxes collected shall be paid into the treasury of the United States, and the same, as well as the appropriations to be made by Congress as aforesaid, shall be disbursed for the expenses of said District, on itemized vouchers, which shall have been audited and approved by the Auditor of the District of Columbia, certified by said Commissioners, or a majority of them.

3. And the accounts of said Commissioners and the tax collectors, and all other officers required to account, shall be settled and adjusted by the accounting officers of the treasury of the United States.

4. Hereafter the Secretary of the Treasury shall pay the interest on the three-sixty-five bonds of the District of Columbia issued in pursuance of the act of Congress approved June twentieth, eighteen hundred and seventy-four, when the same shall become due and payable, and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided.

#### SECTION V.

1. That hereafter when any repairs of streets, avenues, alleys or sewers within the District of Columbia are to be made, or when new pavements are to be substituted in place of those worn out, new ones laid, or new streets opened, sewers built, or any works the total cost of which shall exceed the sum of one thousand dollars, notice shall be given in one newspaper in Washington; and if the total cost shall exceed five thousand dollars, then in one newspaper in each of the cities of New York, Philadelphia and Baltimore, also for one week, for proposals, with full specifications as to materials for the whole or any portion of the works proposed to be done.

2. And the lowest responsible proposal for the kind and character of pavement or other work which the Commissioners shall determine upon shall in all cases be accepted.

3. Provided, however, That the Commissioners shall have the right, in their discretion, to reject all of such proposals.

4. Provided, That work capable of being executed under a single contract shall not be subdivided so as to reduce the sum of money to be paid therefor to less than one thousand dollars.

5. All contracts for the construction, improvement, alterations or repairs of the streets, avenues, highways, alleys, gutters, sewers and all work of like nature, shall be made and entered into only by and with the official unanimous consent of the Commissioners of the District.

6. And all contracts shall be copied in a book kept for that purpose and be signed by the said Commissioners, and no contract involving an expenditure of more than one hundred dollars shall be valid until recorded and signed as aforesaid.

7. No pavement shall be accepted nor any pavement laid except that of the best material of its kind known for that purpose, laid in the most substantial manner.

8. And good and sufficient bonds to the United States in a penal sum not less than the amount of the contract, with sureties to be approved by the Commissioners of the District of Columbia, shall be required from all contractors, guaranteeing that the terms of their contracts shall be strictly and faithfully performed to the satisfaction of and acceptance by said Commissioners.

9. And that the contractors shall keep new pavements or other new works in repair for a term of five years from the date of the completion of their contracts.

10. And ten per centum of the cost of all new works shall be retained as an additional security and a guarantee fund to keep the same in repair for said term, which said per centum shall be invested in registered bonds of the United States or of the District of Columbia and the interest thereon paid to said contractors.

11. The cost of laying down said pavements, sewers and other works or of repairing the same shall be paid for in the following proportions and manner, to wit: When any street or avenue through which a street railway runs shall be paved, such railway company shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads, and for a distance of two feet from and exterior to such track or tracks on each side thereof, and of keeping the same in repair.

12. But the said railway companies having conformed to the grades established by the Commissioners may use such cobble

stone or Belgian blocks for paving their tracks or the space between their tracks as the Commissioners may direct.

13. The United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the fifty per centum which the United States contributes toward the expenses of the District of Columbia for that year.

14. And all payments shall be made by the Secretary of the Treasury on the warrant or order of the Commissioners of the District of Columbia, or a majority thereof, in such amounts and at such times as they may deem safe and proper in view of the progress of the work.

15. That if any street railway company shall neglect or refuse to perform the work required by this act, said pavement shall be laid between the tracks and exterior thereto of such railway by the District of Columbia.

16. And if such company shall fail or refuse to pay the sum due from them in respect of the work done by or under the orders of the proper officials of said District, in such case of the neglect or refusal of such railway company to perform the work required as aforesaid the Commissioners of the District of Columbia shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of ten per centum per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company.

17. And if the said certificates are not paid within one year the said Commissioners of the District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be at public auction to the highest bidder.

18. When street railways cross any street or avenue the pavement between the tracks of such railway shall conform to the pavement used upon such street or avenue, and the companies owning these intersecting railroads shall pay for such pavements in the same manner and proportion as required of other railway companies under the provisions of this section.

19. It shall be the duty of the Commissioners of the District of Columbia to see that all water and gas mains, service pipes and sewer connections are laid upon any street or avenue proposed to be paved or otherwise improved before any such pavement or other permanent works are put down.

20. And the Washington Gas-Light Company, under the direction of said Commissioners, shall at its own expense take up, lay, and replace all gas mains on any street or avenue to be paved, at such time and place as said Commissioners shall direct.

21. The President of the United States may detail from the Engineer Corps of the army not more than two officers, of rank subordinate to that of the engineer officer belonging to the Board of Commissioners of said District, to act as assistants to said Engineer Commissioner in the discharge of the special duties imposed upon him by the provisions of this act.

#### SECTION VI.

1. That from and after the first day of July, eighteen hundred and seventy-eight, the Board of Metropolitan Police and the Board of School Trustees shall be abolished, and all the powers and duties now exercised by them shall be transferred to the said Commissioners of the District of Columbia, who shall have authority to employ such officers and agents and to adopt such provisions as may be necessary to carry into execution the powers and duties devolved upon them by this act.

2. And the Commissioners of the District of Columbia shall from time to time appoint nineteen persons, actual residents of said District of Columbia, to constitute the trustees of public schools of said District, who shall serve without compensation and for such term as said Commissioners shall fix. Said trustees shall have the powers and perform the duties in relation to the care and management of the public schools which are now authorized by law.

#### SECTION VII.

That the offices of sinking fund commissioners are hereby abolished; and all duties and powers possessed by said commissioners are transferred to, and shall be exercised by, the Treasurer of the United States, who shall perform the same in accordance with the provisions of existing laws.

## SECTION VIII.

That in lieu of the Board of Health, now authorized by law, the Commissioners of the District of Columbia shall appoint a physician as Health Officer, whose duty it shall be, under the direction of the said Commissioners, to execute and enforce all laws and regulations relating to the public health and vital statistics, and to perform all such duties as may be assigned to him by said Commissioners; and the Board of Health now existing shall, from the date of the appointment of said Health Officer, be abolished.

## SECTION IX.

1. That there may be appointed by the Commissioners of the District of Columbia, on the recommendation of the Health Officer, a reasonable number of sanitary inspectors for said District, not exceeding six to hold such appointment at any one time, of whom two may be physicians and one shall be a person skilled in the matters of drainage and ventilation; and said Commissioners may remove any of the subordinates, and from time to time may prescribe the duties of each.

2. And said inspectors shall be respectively required to make, at least once in two weeks, a report to said Health Officer, in writing, of their inspections, which shall be preserved on file.

3. And said Health Officer shall report in writing annually to said Commissioners of the District of Columbia, and so much oftener as they shall require.

## SECTION X.

That the Commissioners may appoint, on the like recommendation of the Health Officer, a reasonable number of clerks, but no greater number shall be appointed, and no more persons shall be employed under said Health Officer than the public interests demand and the appropriation shall justify.

## SECTION XI.

1. That the salary of the Health Officer shall be three thousand dollars per annum.

2. And the salary of the sanitary inspectors shall not exceed the sum of one thousand two hundred dollars per annum each.

3. And the salary of the clerks and other assistants of the Health Officer shall not exceed in the aggregate the amount of

seven thousand dollars, to be apportioned as the Commissioners of the District of Columbia may deem best.

#### SECTION XII.

1. That it shall be the duty of the said Commissioners to report to Congress at the next session succeeding their appointment a draft of such additional laws or amendments to existing laws as in their opinion are necessary for the harmonious working of the system hereby adopted and for the effectual and proper government of the District of Columbia.

2. And said Commissioners shall annually report their official doings in detail to Congress, on or before the first Monday of December.

#### SECTION XIII.

1. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia.

2. And any officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness, except to the amount of the two hundred thousand dollars, as authorized by this act, shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by imprisonment not exceeding ten years, and by fine not exceeding ten thousand dollars.

#### SECTION XIV.

1. That the term "school-houses" in the act of June seventeen, eighteen hundred and seventy, chapter thirty, was intended to embrace all collegiate establishments actually used for educational purposes, and not for private gain.

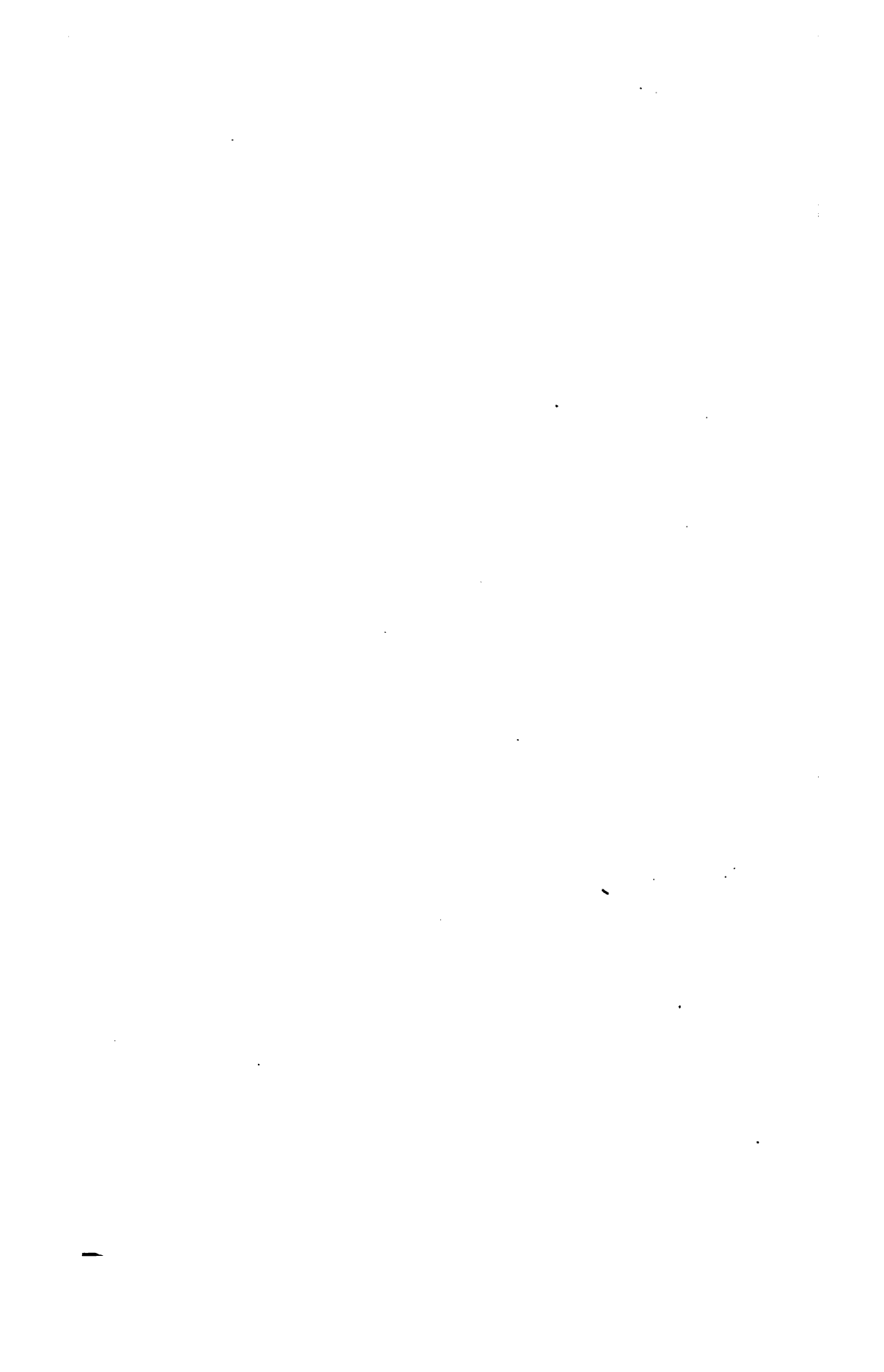
2. And that all taxes heretofore imposed upon such establishments in the District of Columbia since the date of said act are hereby remitted, and where the same or any part thereof has been paid the sum so paid shall be refunded.

3. But if any portion of any said building, house or grounds, in terms excepted, is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed.

#### SECTION XV.

That all laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Approved, June 11, 1878.





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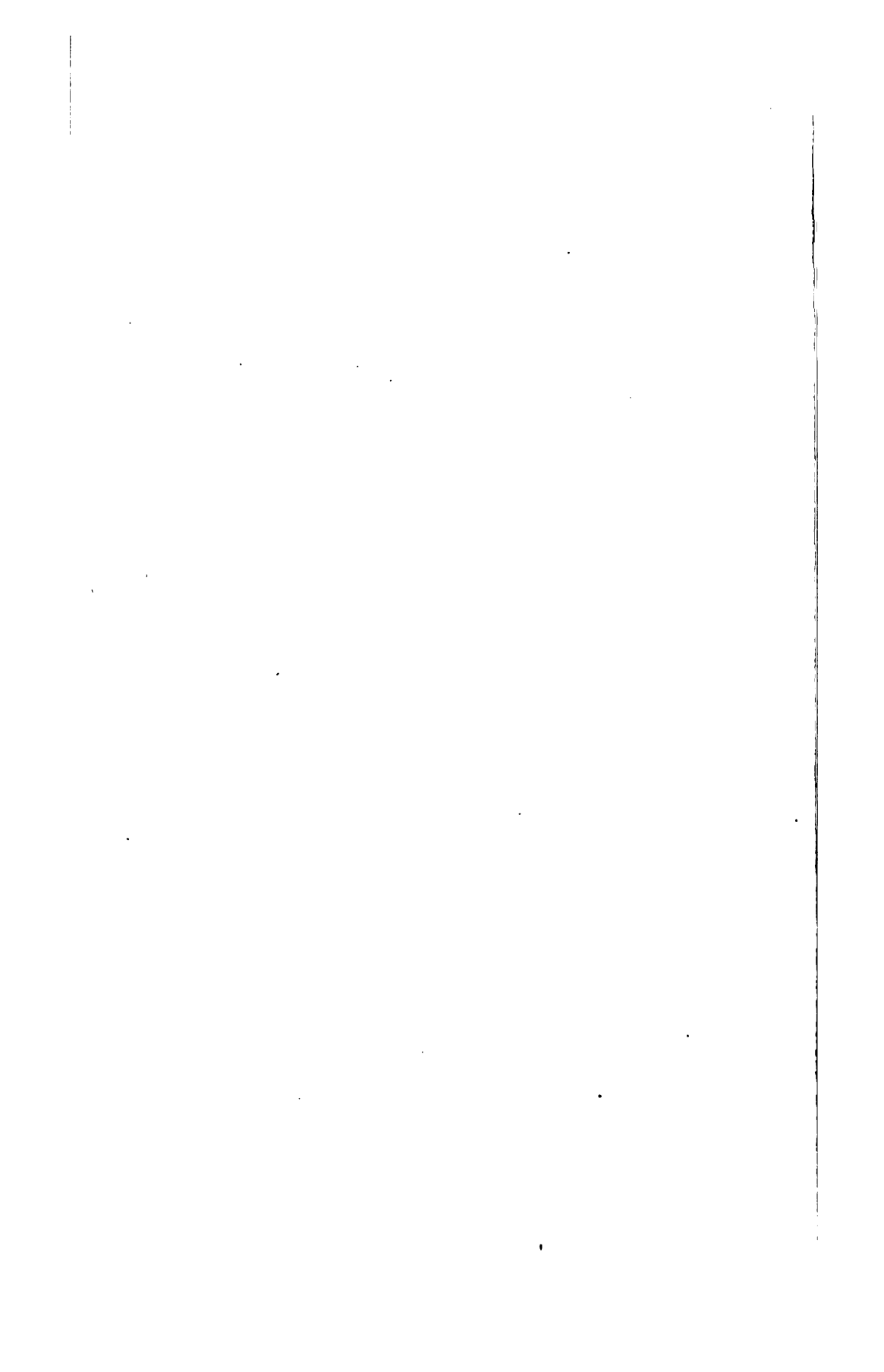
INDEX

TO

AMERICAN CONSTITUTIONS.

VOLS. I AND II.

---



# INDEX.

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## ARTICLES OF CONFEDERATION.

### PREAMBLE.

#### Section

1. The name of the Union.
2. Each State is sovereign and independent.
3. The object of the Union of the several States.
4. Mutual friendship between the people of the different States.—Criminals fleeing from justice to be given up. The acts of the courts of one State to be accepted by all the others.
5. Organization and maintenance of Congress.—Representation of each State in Congress.—Freedom of speech and debate.
6. States may not enter into any treaty or alliance with any king, prince or state.—May not enter into any alliance between themselves.—May not lay imposts or duties.—Restrictions in regard to vessels of war and armed forces in time of peace.—May not engage in war without the consent of Congress.
7. The Legislature to appoint certain military officers.
8. How expenses incurred for mutual defense are paid.—The Legislatures of the States to levy taxes.
9. The Congress has power to declare peace or war.—To enter into treaties.—To decide the

#### Section

- manner of dividing prizes taken by land or sea.—To appoint courts for trying piracies and felonies.—To decide disputes between States.—Manner of appointing judges and commissioners.—Regarding controversies as to private right of soil claimed under different grants.—Alloy and value of coin.—In regard to Indians.—Officers of land forces.—Of the naval forces. Certain committees to be appointed.—To build and equip a navy.—Number of land forces.—Certain things Congress may not do without the assent of nine States.—Congress has power to adjourn.—Journal of proceedings to be published.
10. Certain powers vested in State committees.
  11. Canada may be admitted into the Union.—Other colonies may be admitted.
  12. Debts contracted and money borrowed under authority of Congress.
  13. Every State shall abide by the determinations of Congress.—Articles of confederation inviolable.—Shall not be altered unless agreed to in a Congress of the United States.

## UNITED STATES.

## ARTICLE I.

## Section

1. Legislative power; in whom vested.
2. House of Representatives, how and by whom chosen.—Qualifications of Representatives.—Representatives and direct taxes, how apportioned.—Enumeration.—Vacancies to be filled.—Power of choosing officers, and of impeachment.
3. Senators, how and by whom chosen.—How classified.—State Executive, when to make temporary appointments, etc.—Qualifications of a Senator.—President of the Senate, his right to vote.—President pro tem. and other officers of the Senate, how chosen.—Power to try impeachments.—When President is tried, Chief Justice to preside.—Sentence.
4. Times, etc., of holding elections, how prescribed.—One session in each year.
5. Membership.—Quorum.—Adjournments.—Rules.—Power to punish or expel.—Journal.—Time of adjournments, how limited, etc.
6. Compensation.—Privileges.—Disqualification in certain cases.
7. House to originate all revenue bills.—Veto.—Bill may be passed by two-thirds of each house, notwithstanding, etc.—Bill not returned in ten days to become a law.—Provision as to all orders, concurrent resolutions, etc.
8. Powers of Congress. ✓
9. Provision as to migration or importation of certain persons.—Habeas corpus.—Bills of attainder, etc.—Taxes, how apportioned.—No export duty.—No commercial preferences.—Money, how drawn from treasury,

## Section

- etc.—No titular nobility.—Officers not to receive presents, etc.
10. States prohibited from the exercise of certain powers.

## ARTICLE II.

1. President.—His term of office.—Electors of President; number and how appointed.—Electors to vote on same day.—Qualification of President.—On whom his duties devolve in case of his removal, death, etc.—President's compensation.—His oath of office.
2. President to be Commander-in-Chief.—He may require opinion of cabinet officers, etc.—May pardon.—Treaty-making power.—Nomination of certain officers.—When President may fill vacancies.
3. President shall communicate to Congress.—He may convene and adjourn Congress, in case of disagreement; shall receive ambassadors, execute laws and commission officers.
4. All civil offices forfeited for certain crimes.

## ARTICLE III.

1. Judicial power.—Tenure.—Compensation.
2. Judicial power; to what case it extends.—Original jurisdiction of Supreme Court.—Appellate.—Trial by jury, etc.—Trial where.
3. Treason defined.—Proof of.—Punishment of.

## ARTICLE IV.

1. Each State to give credit to the public acts, etc., of every other State.
2. Privileges of citizens of each State.—Fugitives from justice

## INDEX.

v

### Section

- to be delivered up.—Persons held to service having escaped, to be delivered up.
- 3. Admission of new States.—Power of Congress over territory and other property.
- 4. Republican form of government guaranteed.—Each State to be protected.

### ARTICLE V.

Constitution; how amended.—Proviso.

### ARTICLE VI.

Certain debts, etc., declared valid.—Supremacy of Constitution, treaties and laws of the United States.—Oath to support Constitution, by whom taken.—No religious test.

### ARTICLE VII.

What ratification shall establish Constitution.

### AMENDMENTS.

- I. Religious establishment prohibited.—Freedom of speech,

### Article

- of the press and right to petition.
- II. Right to keep and bear arms.
- III. No soldier to be quartered in any house, unless, etc.
- IV. Right of search and seizure regulated.
- V. Provisions concerning prosecution, trial and punishment.—Private property not to be taken for public use, without compensation.
- VI. Further provisions respecting criminal prosecutions.
- VII. Right of trial by jury secured.
- VIII. Excessive bail or fines and cruel punishments prohibited.
- IX. Rule of construction of Constitution.
- X. Same subject.—Rights of States.
- XI. Same subject.—Judicial powers construed.
- XII. Manner of choosing President and Vice-President.
- XIII. Slavery abolished.
- XIV. Citizenship.—Representation.—Public debt.
- XV. Right of suffrage, by whom exercised.

## ALABAMA.

### Article

- 1. Declaration of rights.
- 2. State and county boundaries.
- 3. Distribution of powers of government.
- 4. Legislative department.
- 5. Executive department.
- 6. Judicial department.
- 7. Impeachments.
- 8. Suffrage and elections.
- 9. Representation.
- 10. Exempted property.
- 11. Taxation.
- 12. Militia.
- 13. Education.
- 14. Corporations.—Private corporations.
- 15. Oath of office.
- 16. Miscellaneous provisions.
- 17. Mode of amending the Constitution.

### Schedule.

Preamble.

### ARTICLE I.

#### *Declaration of Rights.*

### Section

- 1. All men are free and independent.—They have certain inalienable rights.
- 2. Qualifications necessary to become residents of the State.
- 3. All political power is inherent in the people.
- 4. No religion shall be established by law.—No preference given to any religious sect.—No person compelled by law to attend any place of worship.
- 5. Any person may speak, write and publish his sentiments on

## Section

- all subjects, being responsible for the abuse of that liberty.
- 6. The people shall be secure from any unreasonable searches or seizures.
- 7. In all criminal prosecutions, the accused has a right to be heard for himself.
- 8. No person shall be accused, arrested or detained, except.
- 9. No person shall, for any indictable offense, be proceeded against criminally by information, except.
- 10. No person shall be put in jeopardy twice for the same offense.
- 11. No person shall be debarred from prosecuting or defending any civil cause to which he is a party.
- 12. The right of trial by jury shall remain inviolate.
- 13. In prosecutions for investigating conduct of officers, the truth may be given in evidence.—In regard to indictments for libel.
- 14. All courts shall be open, and justice shall be administered without delay or denial.
- 15. The State of Alabama shall never be made a defendant in any court of law or equity.
- 16. Excessive fines shall not be imposed nor cruel punishment inflicted.
- 17. All persons shall be bailable before conviction, except.
- 18. The privilege of the writ of habeas corpus shall not be suspended by the authorities of the State.
- 19. Treason against the State defined.
- 20. No person shall be attainted of treason by the General Assembly.
- 21. No person shall be imprisoned for debt.
- 22. No power of suspending laws shall be exercised, except.
- 23. No ex post facto law shall be passed.

## Section

- 24. The exercise of the right of eminent domain shall never be abridged.— Private property shall not be taken nor applied for public use, except.
- 25. All navigable waters shall remain forever public highways.
- 26. The citizens have the right to assemble together peaceably to consult for the common good.
- 27. Every citizen has a right to bear arms in defense of himself and State.
- 28. No standing army shall be kept without the consent of the General Assembly.
- 29. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except.
- 30. No title of nobility, etc., shall ever be granted.— No office shall be created, the appointment of which shall be for a longer time than during good behavior.
- 31. Immigration shall be encouraged; emigration shall not be prohibited, and no citizen shall be exiled.
- 32. Temporary absence from State shall not cause forfeiture of residence once obtained.
- 33. Slavery shall not exist in this State; no involuntary servitude.
- 34. The right of suffrage shall be protected by law.
- 35. There can be no secession of any State from the Federal Union.
- 36. Foreigners who may hereafter become bona fide residents.
- 37. The sole object of the government.
- 38. No educational or property qualification for suffrage or office, nor any restraint upon the same on account of race, color or previous condition of servitude shall be made by law.

Section

39. This enumeration of rights shall not impair others retained by the people.

ARTICLE II.

*State and County Boundaries.*

1. The boundaries of the State shall be as follows.
2. In regard to the boundaries of the counties of the State.

ARTICLE III.

*Distribution of Powers of Government.*

1. The powers of the State shall be the legislative, the executive and judicial.
2. No person or persons shall exercise any powers belonging to any others, except.

ARTICLE IV.

*Legislative Department.*

1. The legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.
2. The style of the laws shall be.
3. The Senators and Representatives shall be elected by qualified electors.
4. Qualifications of the Senators and Representatives.
5. The General Assembly shall meet biennially at the capitol, except.
6. The pay of the members of the General Assembly.
7. Of whom the General Assembly shall consist.
8. The Senate at the beginning of its regular session shall elect one of its members president, and the House of Representatives shall elect one of its members speaker.—Term of office of president of Senate and speaker of the House of Representatives.
9. When Senators shall be elected; their term of office.—Election of the members of the House

Section

- of Representatives.—When a vacancy shall occur in either house.
10. A majority in each house shall constitute a quorum.
  11. Each house shall have the power to determine the rules of its proceedings and to punish members or other persons for contempt.
  12. In regard to a member of either house being expelled.
  13. Each house shall keep a journal of its proceedings.
  14. Members of the General Assembly shall be privileged from arrest, except.
  15. The doors of each house shall be open, except.
  16. In regard to adjournment.
  17. No Senator or Representative shall be appointed to any other civil office during his term.
  18. No person convicted of embezzlement of the public money, bribery, perjury, etc., shall be capable of holding any office of trust or profit in this State.
  19. No law shall be passed except by bill.
  20. No bill shall become a law until it shall have been referred to a committee of each house and returned therefrom.
  21. Every bill shall be read on three different days in each house, and no bill shall become a law, unless.
  22. In regard to amendments.
  23. No special or local law shall be enacted for the benefit of individuals or corporations, in cases which are or can be provided for by general law, or where the relief sought can be given by any court of this State.
  24. No local or special law shall be passed on a subject which can not be provided for by a general law, unless.
  25. The General Assembly shall pass general laws under which

## Section

- all subjects, being responsible for the abuse of that liberty.
6. The people shall be secure from any unreasonable searches or seizures.
7. In all criminal prosecutions, the accused has a right to be heard for himself.
8. No person shall be accused, arrested or detained, except.
9. No person shall, for any indictable offense, be proceeded against criminally by information, except.
10. No person shall be put in prison more than twice for the same offense.
11. No person shall be prosecuted from prosecution in any civil cause against a party.
12. The right of appeal shall remain in the Senate.
13. In prosecutions for misdemeanors, conduct in appropriation bill, may be paid out of the treasury except by appropriation.
14. All judgments shall be made.
15. In regard to the investment of any trust fund to executors, etc.
16. The power to change the venue in civil and criminal cases.
17. When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.
18. There shall be no State offices for the inspection or measuring of any merchandise, manufacture or commodity, but any county may appoint such officers.
19. General Assembly shall not change the seat of government.
20. Corrupt solicitation; shall be guilty of bribery.

## Section

24. The exercise of the right of the people to bear arms shall not be infringed.
25. The General Assembly shall have the power to pass such penal laws as may be deemed expedient to suppress duelling.
26. Salaries of public officers; deducted from for neglect of duty.
27. The General Assembly shall require the counties of this State to provide for the poor.
28. It shall not have the power to authorize municipal corporations to pass laws inconsistent with general laws.
29. In the event of annexation of any foreign territory to this State.
30. The General Assembly shall not tax the property, real or personal, of the State, counties and other municipal corporations.
31. To ascertain the value of real and personal property.
32. The State shall not engage in works of internal improvement nor lend its credit, nor shall the State be interested in any corporation.
33. The General Assembly shall have no power to authorize any county, city or other subdivision of this State to lend its credit.
34. There shall be no law in this State impairing the remedy for the enforcement of contracts.



ARTICLE V.

*Executive Department.*

Section

1. Of whom the executive department shall consist.
2. The supreme executive power to be vested in the Governor.
3. Election of State officers.
4. Election returns.
5. Terms of office of State officers.
6. Qualifications for Governor.
7. Qualifications for the other State officers.
8. Governor shall take care that the laws are faithfully executed.
9. The Governor may require information in writing under oath.
10. The Governor may on extraordinary occasions convene the General Assembly.
11. The Governor shall give the General Assembly information of the State of the government, etc.
12. Governor shall have the power to remit fines and forfeitures and grant reprieves and pardons, except.
13. In regard to bills that have passed both houses.
14. Governor to have power to disapprove of any item or items of any bill.
15. In case of impeachment of the Governor.—His removal from office, etc.—The president of the Senate shall exercise all power.
16. Compensation of the president of Senate and the speaker of the House of Representatives.
17. Governor shall not hold any other office during his term.
18. Governor to be Commander-in-Chief of the militia, except.
19. Qualifications necessary to hold the office of Secretary of State, State Treasurer, etc.
20. The seal of the State.
21. The Secretary of State to be custodian of the State seal.—He shall also keep a register of the official acts of the Governor.

Section

22. How grants and commissions are to be issued.
23. The Governor to have power to fill any vacancy which may occur in any of the State offices.
24. Duties of the State Treasurer, Secretary of State, Auditor, etc.
25. In regard to fees, costs, perquisites of office, other than the salaries prescribed by law.
26. Term of office of the sheriff.—His election, etc.

ARTICLE VI.

*Judicial Department.*

1. The judicial power of the State shall be vested in the Senate.
2. Power of the Supreme Court.
3. Supreme Court to be held at the seat of government.
4. Division of the State by the General Assembly.
5. Jurisdiction of the Circuit Court.
6. Where the Circuit Court shall be held.—Power of the judges.
7. Power of the General Assembly.—Division of the State by the General Assembly.
8. Where the Chancery Court shall be held.
9. The General Assembly shall have power to establish within the State a Court of Probate.
10. Compensation of the judges of the Supreme Court, Circuit Court and chancellors.
11. Of whom the Supreme Court shall consist.
12. Election of the officers of the Supreme Court, Circuit Courts, Probate Courts, etc.
13. How judges of the inferior courts shall be appointed.
14. Qualifications of the judges of the Supreme Court, Circuit Courts, chancellors, etc.
15. Their term of office.
16. Duties of the judges of the Supreme Court, Circuit Courts and inferior courts.
17. Vacancies in the office of any of the judges.

Section

18. In any case, civil or criminal, pending in any Circuit, Chancery or City Court in this State, if the presiding judge or chancellor shall be incompetent to try or render judgment, the parties or their attorneys of record may agree upon some disinterested person practicing in the court to try the case.
19. When the judges or chancellors fail to attend regular terms.
20. No judge of any Court of Record shall practice law in any of the courts of this State.
21. Registers in Chancery.
22. Clerk of the Supreme Court.
23. Clerks of the Circuit Courts.—Vacancies in such offices.
24. Removal from office of the clerk of the Supreme Court and registers in chancery.
25. Election of solicitors for each judicial circuit.
26. Election of justices of the peace and constables in each precinct of the counties.—Right to appeal in cases tried before justices.
27. Election of the Attorney-General.—His residence.
28. The style of all process shall be.

ARTICLE VII.

*Impeachment.*

1. Enumeration of those who may be removed from office by impeachment.
2. In case an appeal is taken to the Supreme Court in any of the above cases.
3. All county officers may be removed from office for any of the causes specified in section 1 of this article, provided.
4. Penalties in cases arising under the three preceding sections.

ARTICLE VIII.

*Suffrage and Elections.*

1. Qualifications necessary to vote.

ARTICLE IX.

*Representation.*

Section

1. The number of Senators.
2. Of whom the House of Representatives shall consist.
3. Duty of the General Assembly in regard to the number of Representatives, provided.
4. Division of the State into senatorial districts.
5. In case the census of the United States is not taken, or if when taken, the same in regard to this State is not full and satisfactory.
6. Number of Representatives from each county.
7. The senatorial districts shall be as follows.

ARTICLE X.

*Exempted Property.*

1. Personal property of any resident of this State to be exempt from sale, etc.
2. When homesteads shall be exempt from sale.
3. The homestead of a family after the death of the owner.
4. Laborer's lien for work done and performed for person claiming such exemption.
5. On the death of the owner of a homestead, leaving a widow, but no children, disposition of the homestead.
6. The real and personal property of any female in this State.
7. When exemptions hereinbefore secured may be waived.

ARTICLE XI.

*Taxation.*

1. Assessment of property.
2. No power to levy taxes shall be delegated to individuals or private corporations.
3. In regard to a new debt after the ratification of this Constitution.
4. Power of the General Assembly to levy taxes.
5. Power of the counties to levy taxes.

Section

6. Property of private corporations and individuals shall forever be taxed, provided.
7. Rate of taxation to be levied by city, town or other municipal corporation.
8. Enumeration of the officers whose salaries shall be reduced after the ratification of this Constitution.
9. The General Assembly shall not have the power to require the counties or other municipal corporations to pay any charges which are now payable out of the State treasury.

ARTICLE XII.

*Militia.*

1. Those who are liable to do military duty in the militia of the State.
2. The duties of the General Assembly in organizing and equipping a militia.
3. Each company and regiment shall elect its own officers.—In case they fail to do so.
4. Volunteer organizations of infantry, cavalry and artillery may be formed as provided by law.
5. The militia and volunteer forces during their attendance at elections, musters, etc., shall be exempt from arrest, except.
6. The Governor to be Commander-in-Chief of the militia, unless.
7. The General Assembly to provide for the safe keeping of the arms, ammunition, etc.
8. Pay of the officers and men of the militia when not in active service.

ARTICLE XIII.

*Education.*

1. A system of public schools to be maintained by the General Assembly.—Separate schools may be provided for the children of citizens of African descent.

Section

2. The principal of all funds shall be preserved inviolate.—The income thereof to be applied to the specific objects of the original grants or appropriations.
3. In regard to property given by individuals or appropriated by the State for educational purposes.
4. The General Assembly shall provide for the levying and collection of an annual poll tax.
5. In regard to the income arising from the sixteenth section trust fund and the surplus revenue fund.
6. How much of the money raised or appropriated shall be expended.
7. The Superintendent of Education shall have supervision of the public schools.
8. No money raised or appropriated for the public schools shall be used to support any sectarian or denominational school.
9. Under whose management the State University and the Agricultural and Mechanical College shall be.—Of whom the board of the University shall consist.
10. The General Assembly shall have no power to change the location of the State University, etc.
11. How the provisions of this article shall apply to Mobile county.

ARTICLE XIV.

*Corporations — Private Corporations.*

1. How corporations may be formed.—Laws that may be altered, amended or repealed.
2. In regard to the validity of all existing charters or grants after the ratification of the Constitution.
3. Power of the General Assembly to remit the forfeiture of the charter of any corporation, now existing.

## Section

4. Foreign corporations.
5. No corporation shall engage in any business other than that expressly authorized in its charter.
6. In regard to the issue of bonds by corporations.
7. Private property taken for public use.—Right to appeal from an assessment.
8. How dues from private corporations shall be secured.—No stockholder liable for more than the paid up stock owned by him.
9. The issue of preferred stock by corporations.
10. Power of the General Assembly to alter, revoke or amend any charter of incorporation now existing.
11. Rights of telegraph companies.
12. All corporations shall have the right to sue or to be sued.
13. The term corporation defined.

*Banks and Banking.*

14. Power of the General Assembly to establish or incorporate any bank or banking company.
15. All banks to be established under the banking law.
16. In regard to bills and notes issued as money.
17. Holders of bank notes and depositors.
18. Every bank or banking company shall be required to cease all banking operations within twenty years from the time of its organization, unless.
19. The rate of interest to be received by banks.
20. The State shall not be a stockholder in any bank, or give its credit.

*Railroads and Canals.*

21. All railroads and canals shall be public highways.—Every railroad shall have the right to connect with any other railroad, etc.
22. The General Assembly shall pass

## Section

- laws to regulate the rates of freights and passenger tariffs.
23. No railroad shall grant free passes or sell tickets at a discount.
24. No street passenger railway shall be constructed within the limits of any city or town without the consent of the local authorities.
25. No railroad, canal, etc., shall have the benefit of any future legislation other than.

## ARTICLE XV.

*Oath of Office.*

1. Those who shall take the oath of office.—The oath of office.

## ARTICLE XVI.

*Miscellaneous Provisions.*

1. No person holding any office of profit under the United States shall hold any other office, except.
2. The duty of the General Assembly to enact all laws necessary to give effect to the provisions of this Constitution.

## ARTICLE XVII.

*Mode of Amending Constitution.*

1. The General Assembly may, whenever two-thirds of each house shall deem it necessary, propose amendments to this Constitution.
2. No convention shall be hereafter held for the purpose of altering or amending the Constitution of this State, unless.

## SCHEDULE.

1. All laws in force at the ratification of this Constitution shall remain in force, until.
2. In regard to the bonds executed by any officer of this State.—All indictments found or which may be found shall be proceeded upon in the same manner as if this Constitution had not been ratified.

Section

3. All judicial and executive officers and all other officers holding office at the time of the ratification of this Constitution shall continue to hold office, except.
4. This Constitution shall be submitted to the qualified electors of this State for ratification or rejection.
6. Steps to be taken to give publicity and circulation to this Constitution.

Section

7. All laws requiring an enumeration of the inhabitants of this State during the year 1875 are hereby voided.
8. The Board of Education in this State is hereby voided.
9. The salaries of the executive and judicial and all other officers of this State who may be holding office at the time of the ratification of this Constitution shall not be affected by the provisions of this Constitution.

ARKANSAS.

Article

1. Boundaries.
  2. Declaration of rights.
  3. Franchise and elections.
  4. Departments.
  5. Legislative.
  6. Executive department.
  7. Judicial department.
  8. Apportionment.
  9. Exemption.
  10. Agriculture, mining and manufacture.
  11. Militia.
  12. Municipal and private corporations.
  13. Counties, county seats and county lines.
  14. Education.
  15. Impeachment and address.
  16. Finance and taxation.
  17. Railroads, canals and turnpikes.
  18. Judicial circuits.
  19. Miscellaneous provisions.
- Schedule.  
Preamble.

ARTICLE I.

*Boundaries.*

Section

1. Boundaries of the State and seat of government.

ARTICLE II.

*Rights, Declaration of.*

1. Source of political power.—Ob-

Section

- ject of government.—Right to reform and abolish.
2. All men are equally free and have certain inalienable rights.
3. Equality of persons before the law.
4. The people have the right to assemble in a peaceable manner for the common good.
5. Right to bear arms.
6. Freedom of speech and liberty of the press.
7. Trial by jury.
8. No person shall be held to answer for crime but on presentment or indictment.—Exceptions.—Not in jeopardy twice for same offense.
9. Excessive bail, cruel punishments and detention of witnesses prohibited.
10. Rights of accused in criminal prosecutions.
11. Habeas corpus.
12. Suspension of the law.
13. Redress of wrongs.
14. Treason.
15. Unreasonable searches and seizures prohibited.
16. Imprisonment for debt prohibited.
17. Attainder, ex post facto laws impairing contracts, etc., prohibited.
18. Equality of privileges and immunities.

## Section

19. Perpetuities, monopolies and hereditary distinctions prohibited.
20. Resident aliens.
21. Life, liberty and property, how secured.—Banishment prohibited.
22. Private property taken for public use to have just compensation.
23. Right of eminent domain and of taxation.—Delegation of taxing power.
24. Right of religious liberty.
25. Protection of religious liberty.
26. No religious test for qualification to vote or hold office.
27. Involuntary servitude, except for crime, prohibited.—No standing army.—Military subordinate to civil power.—Quartering of troops.
28. Tenure of lands.
29. This enumeration of rights to disparage other rights held by the people.

## ARTICLE III.

*Franchise and Elections.*

1. Qualifications of electors.
2. Freedom of elections.—Vote forfeited on conviction of felony.
3. Elections to be by ballot.—Secrecy of ballot.
4. Privilege of electors.
5. Idiots and insane.
6. Corrupt violation of election laws to disqualify for office.
7. United States soldiers and marines.
8. Time of holding general elections.
9. Testimony in cases of contested elections.
10. Causes of disqualification as election officers.
11. Voters unlawfully refused to be counted on trial of contest.
12. Elections by parties representative.

## ARTICLE IV.

*Departments.*

## Section

1. Government divided into three distinct departments.
2. Separation of departments.

## ARTICLE V.

*Legislative.*

1. General Assembly.
2. House of Representatives.
3. Senate.
4. Qualifications of Senators and Representatives.
5. Times of meeting.
6. Vacancies.
7. Officers ineligible to General Assembly.
8. Holders of public moneys disqualified for office until settlement.
9. Conviction of infamous crime to disqualify for office.
10. Senator or Representative disqualified for civil office.
11. Each house to appoint its officers, determine qualifications, etc., of its members.—Quorum.
12. Rules.—Punishment for contempt.—Enforcement of process.—Protection of members.—Expulsion of same.—Journal.—Yeas and nays.
13. Proceedings to be public.
14. Elections by joint or concurrent vote.
15. Privileges of Senators and Representatives from arrest.
16. Pay and mileage.—Term to begin with election.
17. Duration of sessions.
18. Presiding officers.—President of Senate to succeed the Governorship in case of vacancy.
19. Style of laws.
20. State not to be sued in her courts.
21. Laws to be by bill.—Amendment of bills.
22. Passage of bills.
23. Revival, amendments and extension of laws.

Section

24. Classes of special legislation prohibited.
25. Restriction on special legislation.
26. Publication of notice of local and special bills.
27. Extra compensation to officers, agents, employes and contractors.
28. Adjournment.
29. Appropriations to be specific, and limited to two years.
30. General and special appropriation bills.
31. Requisites to allowances of State tax and appropriations of money.
32. Redress for injuries to person or property.
33. Liability of corporations to the
34. Bills not to be introduced during last three days of session.
35. Bribery of officers.
36. Expulsion of members no bar to indictment.

ARTICLE VI.

*Executive Department.*

1. Executive officers.—Terms of office.—Commissioner of State lands.
2. Governor.
3. Election of executive officers.—Returns.—In case of tie.
4. Contested elections for executive officers.
5. Qualifications of Governor.
6. Governor to be commander-in-chief of military and naval forces of the State.
7. He may require information from officers of executive department.—Execution of the laws.
8. Messages to General Assembly.
9. Great seal of the State.
10. Grants and commissions.
11. Persons ineligible to office of Governor.
12. Death, conviction on impeach-

Section

- ment or other disability of Governor.
13. Impeachment or other disability of president of Senate, acting as Governor.
14. Election to fill vacancy in office of Governor.—Returns.—Contested election.
15. Bills to be presented to Governor for approval.—Bill not returned within five days to become a law.
16. Concurrent orders and resolutions to be presented to Governor for approval.—Proceedings in case of veto.
17. Veto of items of appropriation bills.
18. General pardoning power.
19. Extra sessions of General Assembly and convocation elsewhere than at seat of government.
20. Case of disagreement in General Assembly as to time of adjournment.
21. Duties of Secretary of State.—Superintendent of Public Instruction.
22. Duties of other officers of executive department.—Vacancy in their offices.
23. Vacancies in office not elsewhere provided for.

ARTICLE VII.

*Judicial Department.*

1. Judicial power, where vested.—Establishment of additional courts.
2. Supreme Court.—Chief Justice.—Quorum.
3. Increase of number of judges of Supreme Court.
4. General jurisdiction of Supreme Court.
5. Jurisdiction of Supreme Court in quo warranto.
6. Qualifications of judges of Supreme Court.—Election.—Term of office.
7. Clerk and reporter of Supreme Court.

## Section

- all subjects, being responsible for the abuse of that liberty.
- 6. The people shall be secure from any unreasonable searches or seizures.
- 7. In all criminal prosecutions, the accused has a right to be heard for himself.
- 8. No person shall be accused, arrested or detained, except.
- 9. No person shall, for any indictable offense, be proceeded against criminally by information, except.
- 10. No person shall be put in jeopardy twice for the same offense.
- 11. No person shall be debarred from prosecuting or defending any civil cause to which he is a party.
- 12. The right of trial by jury shall remain inviolate.
- 13. In prosecutions for investigating conduct of officers, the truth may be given in evidence.—In regard to indictments for libel.
- 14. All courts shall be open, and justice shall be administered without delay or denial.
- 15. The State of Alabama shall never be made a defendant in any court of law or equity.
- 16. Excessive fines shall not be imposed nor cruel punishment inflicted.
- 17. All persons shall be bailable before conviction, except.
- 18. The privilege of the writ of habeas corpus shall not be suspended by the authorities of the State.
- 19. Treason against the State defined.
- 20. No person shall be attainted of treason by the General Assembly.
- 21. No person shall be imprisoned for debt.
- 22. No power of suspending laws shall be exercised, except.
- 23. No ex post facto law shall be passed.

## Section

- 24. The exercise of the right of eminent domain shall never be abridged.— Private property shall not be taken nor applied for public use, except.
- 25. All navigable waters shall remain forever public highways.
- 26. The citizens have the right to assemble together peaceably to consult for the common good.
- 27. Every citizen has a right to bear arms in defense of himself and State.
- 28. No standing army shall be kept without the consent of the General Assembly.
- 29. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except.
- 30. No title of nobility, etc., shall ever be granted.— No office shall be created, the appointment of which shall be for a longer time than during good behavior.
- 31. Immigration shall be encouraged; emigration shall not be prohibited, and no citizen shall be exiled.
- 32. Temporary absence from State shall not cause forfeiture of residence once obtained.
- 33. Slavery shall not exist in this State; no involuntary servitude.
- 34. The right of suffrage shall be protected by law.
- 35. There can be no secession of any State from the Federal Union.
- 36. Foreigners who may hereafter become bona fide residents.
- 37. The sole object of the government.
- 38. No educational or property qualification for suffrage or office, nor any restraint upon the same on account of race, color or previous condition of servitude shall be made by law.



Section

39. This enumeration of rights shall not impair others retained by the people.

ARTICLE II.

*State and County Boundaries.*

1. The boundaries of the State shall be as follows.
2. In regard to the boundaries of the counties of the State.

ARTICLE III.

*Distribution of Powers of Government.*

1. The powers of the State shall be the legislative, the executive and judicial.
2. No person or persons shall exercise any powers belonging to any others, except.

ARTICLE IV.

*Legislative Department.*

1. The legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.
2. The style of the laws shall be.
3. The Senators and Representatives shall be elected by qualified electors.
4. Qualifications of the Senators and Representatives.
5. The General Assembly shall meet biennially at the capitol, except.
6. The pay of the members of the General Assembly.
7. Of whom the General Assembly shall consist.
8. The Senate at the beginning of its regular session shall elect one of its members president, and the House of Representatives shall elect one of its members speaker.—Term of office of president of Senate and speaker of the House of Representatives.
9. When Senators shall be elected; their term of office.—Election of the members of the House

Section

- of Representatives.—When a vacancy shall occur in either house.
10. A majority in each house shall constitute a quorum.
11. Each house shall have the power to determine the rules of its proceedings and to punish members or other persons for contempt.
12. In regard to a member of either house being expelled.
13. Each house shall keep a journal of its proceedings.
14. Members of the General Assembly shall be privileged from arrest, except.
15. The doors of each house shall be open, except.
16. In regard to adjournment.
17. No Senator or Representative shall be appointed to any other civil office during his term.
18. No person convicted of embezzlement of the public money, bribery, perjury, etc., shall be capable of holding any office of trust or profit in this State.
19. No law shall be passed except by bill.
20. No bill shall become a law until it shall have been referred to a committee of each house and returned therefrom.
21. Every bill shall be read on three different days in each house, and no bill shall become a law, unless.
22. In regard to amendments.
23. No special or local law shall be enacted for the benefit of individuals or corporations, in cases which are or can be provided for by general law, or where the relief sought can be given by any court of this State.
24. No local or special law shall be passed on a subject which can not be provided for by a general law, unless.
25. The General Assembly shall pass general laws under which

## Section

- local and private interests shall be provided for and protected.
26. Lotteries illegal.
27. The presiding officer of each house shall sign all bills and resolutions passed by the General Assembly.
28. The number, duties and compensation of the officers and employes of each house; no payment to be made from the State treasury, except.
29. Extra compensation to any public officer, servant or employe after the services shall have been rendered.
30. Stationery, printing, paper and fuel used in the Legislature and other departments of the government.
31. Bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments.
32. The general appropriation bill.
33. No money shall be paid out of the treasury except by appropriation.
34. To whom no appropriation shall be made.
35. In regard to the investment of any trust fund to executors, etc.
36. The power to change the venue in civil and criminal cases.
37. When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.
38. There shall be no State offices for the inspection or measuring of any merchandise, manufacture or commodity, but any county may appoint such officers.
39. General Assembly shall not change the seat of government.
40. Corrupt solicitation; shall be guilty of bribery.

## Section

41. Bribery defined.
42. Corrupt solicitation of members of the General Assembly, or public officers of this State punished by fine and imprisonment.
43. No member shall have a personal or private interest in any bill.
44. All votes of the General Assembly shall be viva voce.
45. Differences may be decided by arbitrators.
46. The public statutes, both civil and criminal, to be revised by the General Assembly every ten years.
47. It shall pass such penal laws as may be deemed expedient to suppress duelling.
48. Salaries of public officers; deducted from for neglect of duty.
49. The General Assembly shall require the counties of this State to provide for the poor.
50. It shall not have the power to authorize municipal corporations to pass laws inconsistent with general laws.
51. In the event of annexation of any foreign territory to this State.
52. The General Assembly shall not tax the property, real or personal, of the State, counties and other municipal corporations.
53. To ascertain the value of real and personal property.
54. The State shall not engage in works of internal improvement nor lend its credit, nor shall the State be interested in any corporation.
55. The General Assembly shall have no power to authorize any county, city or other subdivision of this State to lend its credit.
56. There shall be no law in this State impairing the remedy for the enforcement of contracts.

ARTICLE V.

*Executive Department.*

Section

1. Of whom the executive department shall consist.
2. The supreme executive power to be vested in the Governor.
3. Election of State officers.
4. Election returns.
5. Terms of office of State officers.
6. Qualifications for Governor.
7. Qualifications for the other State officers.
8. Governor shall take care that the laws are faithfully executed.
9. The Governor may require information in writing under oath.
10. The Governor may on extraordinary occasions convene the General Assembly.
11. The Governor shall give the General Assembly information of the State of the government, etc.
12. Governor shall have the power to remit fines and forfeitures and grant reprieves and pardons, except.
13. In regard to bills that have passed both houses.
14. Governor to have power to disapprove of any item or items of any bill.
15. In case of impeachment of the Governor.—His removal from office, etc.—The president of the Senate shall exercise all power.
16. Compensation of the president of Senate and the speaker of the House of Representatives.
17. Governor shall not hold any other office during his term.
18. Governor to be Commander-in-Chief of the militia, except.
19. Qualifications necessary to hold the office of Secretary of State, State Treasurer, etc.
20. The seal of the State.
21. The Secretary of State to be custodian of the State seal.—He shall also keep a register of the official acts of the Governor.

Section

22. How grants and commissions are to be issued.
23. The Governor to have power to fill any vacancy which may occur in any of the State offices.
24. Duties of the State Treasurer, Secretary of State, Auditor, etc.
25. In regard to fees, costs, perquisites of office, other than the salaries prescribed by law.
26. Term of office of the sheriff.—His election, etc.

ARTICLE VI.

*Judicial Department.*

1. The judicial power of the State shall be vested in the Senate.
2. Power of the Supreme Court.
3. Supreme Court to be held at the seat of government.
4. Division of the State by the General Assembly.
5. Jurisdiction of the Circuit Court.
6. Where the Circuit Court shall be held.—Power of the judges.
7. Power of the General Assembly.—Division of the State by the General Assembly.
8. Where the Chancery Court shall be held.
9. The General Assembly shall have power to establish within the State a Court of Probate.
10. Compensation of the judges of the Supreme Court, Circuit Court and chancellors.
11. Of whom the Supreme Court shall consist.
12. Election of the officers of the Supreme Court, Circuit Courts, Probate Courts, etc.
13. How judges of the inferior courts shall be appointed.
14. Qualifications of the judges of the Supreme Court, Circuit Courts, chancellors, etc.
15. Their term of office.
16. Duties of the judges of the Supreme Court, Circuit Courts and inferior courts.
17. Vacancies in the office of any of the judges.

## Section

18. In any case, civil or criminal, pending in any Circuit, Chancery or City Court in this State, if the presiding judge or chancellor shall be incompetent to try or render judgment, the parties or their attorneys of record may agree upon some disinterested person practicing in the court to try the case.
19. When the judges or chancellors fail to attend regular terms.
20. No judge of any Court of Record shall practice law in any of the courts of this State.
21. Registers in Chancery.
22. Clerk of the Supreme Court.
23. Clerks of the Circuit Courts.  
—Vacancies in such offices.
24. Removal from office of the clerk of the Supreme Court and registers in chancery.
25. Election of solicitors for each judicial circuit.
26. Election of justices of the peace and constables in each precinct of the counties.—Right to appeal in cases tried before justices.
27. Election of the Attorney-General.—His residence.
28. The style of all process shall be.

## ARTICLE VII.

*Impeachment.*

1. Enumeration of those who may be removed from office by impeachment.
2. In case an appeal is taken to the Supreme Court in any of the above cases.
3. All county officers may be removed from office for any of the causes specified in section 1 of this article, provided.
4. Penalties in cases arising under the three preceding sections.

## ARTICLE VIII.

*Suffrage and Elections.*

1. Qualifications necessary to vote.

## ARTICLE IX.

*Representation.*

## Section

1. The number of Senators.
2. Of whom the House of Representatives shall consist.
3. Duty of the General Assembly in regard to the number of Representatives, provided.
4. Division of the State into senatorial districts.
5. In case the census of the United States is not taken, or if when taken, the same in regard to this State is not full and satisfactory.
6. Number of Representatives from each county.
7. The senatorial districts shall be as follows.

## ARTICLE X.

*Exempted Property.*

1. Personal property of any resident of this State to be exempt from sale, etc.
2. When homesteads shall be exempt from sale.
3. The homestead of a family after the death of the owner.
4. Laborer's lien for work done and performed for person claiming such exemption.
5. On the death of the owner of a homestead, leaving a widow, but no children, disposition of the homestead.
6. The real and personal property of any female in this State.
7. When exemptions hereinbefore secured may be waived.

## ARTICLE XI.

*Taxation.*

1. Assessment of property.
2. No power to levy taxes shall be delegated to individuals or private corporations.
3. In regard to a new debt after the ratification of this Constitution.
4. Power of the General Assembly to levy taxes.
5. Power of the counties to levy taxes.

Section

6. Property of private corporations and individuals shall forever be taxed, provided.
7. Rate of taxation to be levied by city, town or other municipal corporation.
8. Enumeration of the officers whose salaries shall be reduced after the ratification of this Constitution.
9. The General Assembly shall not have the power to require the counties or other municipal corporations to pay any charges which are now payable out of the State treasury.

ARTICLE XII.

*Militia.*

1. Those who are liable to do military duty in the militia of the State.
2. The duties of the General Assembly in organizing and equipping a militia.
3. Each company and regiment shall elect its own officers.—In case they fail to do so.
4. Volunteer organizations of infantry, cavalry and artillery may be formed as provided by law.
5. The militia and volunteer forces during their attendance at elections, musters, etc., shall be exempt from arrest, except.
6. The Governor to be Commander-in-Chief of the militia, unless.
7. The General Assembly to provide for the safe keeping of the arms, ammunition, etc.
8. Pay of the officers and men of the militia when not in active service.

ARTICLE XIII.

*Education.*

1. A system of public schools to be maintained by the General Assembly.—Separate schools may be provided for the children of citizens of African descent.

Section

2. The principal of all funds shall be preserved inviolate.—The income thereof to be applied to the specific objects of the original grants or appropriations.
3. In regard to property given by individuals or appropriated by the State for educational purposes.
4. The General Assembly shall provide for the levying and collection of an annual poll tax.
5. In regard to the income arising from the sixteenth section trust fund and the surplus revenue fund.
6. How much of the money raised or appropriated shall be expended.
7. The Superintendent of Education shall have supervision of the public schools.
8. No money raised or appropriated for the public schools shall be used to support any sectarian or denominational school.
9. Under whose management the State University and the Agricultural and Mechanical College shall be.—Of whom the board of the University shall consist.
10. The General Assembly shall have no power to change the location of the State University, etc.
11. How the provisions of this article shall apply to Mobile county.

ARTICLE XIV.

*Corporations—Private Corporations.*

1. How corporations may be formed.—Laws that may be altered, amended or repealed.
2. In regard to the validity of all existing charters or grants after the ratification of the Constitution.
3. Power of the General Assembly to remit the forfeiture of the charter of any corporation, now existing.

## Section

20. Governor while in office may not be elected United States Senator.

## ARTICLE VI.

*Judicial Department.*

1. Judicial power, where vested.
2. Supreme Court.—Chief and associate judges, their duties and powers.
3. Election and term of office of same.
4. Supreme Court, power of.
5. Jurisdiction of the Superior Court.
6. Superior Courts, number of the same.—Number of sessions, choice of presiding judge, his duties and term of office.—Vacancies, how filled.
7. Number of sessions in particular cases.
8. Judge pro tempore of Superior Court, how appointed.
9. Penalty for a judge to leave the State for more than sixty days.
10. Justices of Supreme and judges of Superior Courts may be removed by Legislature.
11. Number of justices of the peace, their duties and responsibilities.
12. Courts of Record, what are.
13. Jurisdiction, powers, duties and responsibilities of inferior courts and judges thereof shall be fixed by law.
14. Clerk of Supreme Court.—County clerks, election to be provided for by the Legislature. Appointment of commissioners.
15. Fees and perquisites of office, who may receive the same.
16. Publication of opinions of the Supreme Court.
17. Salaries of justices of the Supreme Court and of judges of Superior Courts.
18. Justices of Supreme Court and judges of Superior Courts may hold no other office.
19. Judges' charge to juries.

## Section

20. How prosecutions shall be conducted.
21. Reporter for Supreme Court.—Term of office and salary.
22. Judge of Court of Record.
23. Eligibility for justice of Supreme Court and for judge of Superior Court.
24. In regard to judges drawing monthly salary.

## ARTICLE VII.

*Pardoning Power.*

1. Governor has power of reprieve and pardon.

## ARTICLE VIII.

*Militia.*

1. Organization of militia.—Election of officers.
2. Flag which militia may carry while under arms.

## ARTICLE IX.

*Education.*

1. Encouragement of education.
2. Superintendent of public instruction—his election and salary.
3. Superintendent of schools.
4. For the support of common schools.
5. Free schools to be open at least six months in every year.
6. Grades of public school system.
7. State board of education and text-books.
8. Sectarian or denominational schools and public money.
9. The University of California.

## ARTICLE X.

*State Institutions and Public Buildings.*

1. State board of prison directors.
2. Duties of the same.
3. Prison officers.
4. Compensation of the board.
5. Regulation of the duties of the board, wardens and clerks.
6. Convict labor.

ARTICLE XI.

*Counties, Cities and Towns.*

Section

1. Counties.
2. Removal of county seat.
3. Formation of new counties and enlargement of others.
4. County government.
5. County officers.
6. Organization of cities and towns.
7. Consolidation of city and county governments.
8. City charters.
9. County, city town and municipal officers—their pay and term of office.
10. Taxes for State purposes—No release from.
11. Local and police regulations.
12. Legislature has no power to impose taxes upon counties, cities and towns.
13. It may not delegate any special commission or private corporation to have control of county or town money, property or effects.
14. Inspectors, measurers, etc.
15. Private property may not be sold for payment of the corporate debt of any political or municipal corporation.
16. County, city or town money.—Disposition of same.
17. Use of public money for private purposes.
18. Indebtedness may not be incurred that is greater than the income for the year without the assent of two-thirds of the qualified electors.
19. In case public works are not owned or controlled by municipality.

ARTICLE XII.

*Corporations.*

1. How corporations are formed.
2. Dues from corporations.
3. Liability of stockholders.
4. Corporations—what is included in the term.

Section

5. No charters for banking purposes.—Lawful money.
6. Charters and grants existing before this Constitution if not in bona fide organization have no validity.
7. Extension of franchise of charter.
8. Right of eminent domain.
9. Not to engage in other business.
10. Leasing or alienation of franchise.
11. Increase of stock or bonds.
12. Vote of stockholders and election of directors.
13. Loan of State credit.
14. Books of corporations open for inspection.
15. Corporations organized out of this State.
16. Place where corporation may be sued.
17. Common carriers. Rights of railroads to cross each other.
18. Restrictions in regard to officers and employes' interest in any railroad or canal of those who are not stockholders.
19. Free passes and penalty for accepting the same.
20. Contracts of common carriers with vessels, etc. In regard to lowering rates for passengers and freight.
21. No discrimination in charges.
22. Division of the State into districts for election of railroad commissioners. Salary and term of office of same. Duties of commissioners.
23. Enumeration of railroad districts.
24. Legislature to pass laws for enforcement of provisions of this article.

ARTICLE XIII.

*Revenue and Taxation.*

1. Taxes. Definition of the word property.
2. Assessment, how made.

## Section

3. Assessment of more than 640 acres of land. Assessment of small tracts.
4. Mortgage, and of trust, or contract.
5. When a contract is null and void.
6. Power of taxation not to be surrendered.
7. Power of Legislature to provide by law for payment of taxes.
8. Statement of property owned.
9. Board of equalization.
10. Manner of assessing property.
11. Income taxes.
12. Levy and collection of poll tax.
13. Legislature to pass laws to carry out provisions of this article.

## ARTICLE XIV.

*Water and Water Rights.*

1. Water rights under control of State.
2. Collection of rates.

## ARTICLE XV.

*Harbor Frontage, Etc.*

1. Right of eminent domain.
2. Navigation of waters and right of way.
3. Tide lands.

## ARTICLE XVI.

*State Indebtedness.*

1. Extent of liability.

## ARTICLE XVII.

*Land and Homestead Exemption.*

1. Rights of the homestead.
2. In regard to holding large tracts of land.
3. Granting of State lands.

## ARTICLE XVIII.

*Amending and Revising the Constitution.*

1. Constitution may be amended.
2. Revision of Constitution.

## ARTICLE XIX.

*Chinese.*

## Section

1. Aliens, paupers, criminals and contagious diseases.
2. Employment of Chinese.
3. Employment of Chinese by State.
4. Coolie labor.

## ARTICLE XX.

*Miscellaneous.*

1. Seat of government
2. Dueling.
3. Oath of office.
4. Election or appointment of officers not provided for by Constitution.
5. Fiscal year.
6. Suits against the State.
7. Contract of marriage.
8. Property of husband and wife.
9. No perpetuities allowed except for eleemosynary purposes.
10. Offering bribe disqualifies for holding office.
11. Person convicted of bribery, perjury, forgery, etc.
12. Absence from State in regard to residence.
13. Plurality of votes.
14. State board of health.
15. Mechanics, laborers, etc., have lien on property for value of labor done.
16. Term of any officer or commissioner when not provided for by Constitution.
17. Eight hours a day's work.
18. Rights of both sexes to carry on business.
19. In regard to payment of expenses of the convention framing this Constitution.
20. When election of officers shall be held.

## ARTICLE XXI.

*Boundary.*

1. The boundary of the State.

## ARTICLE XXII.

*Schedule.*

1. Provisions as to existing laws.
2. In regard to obligations, recog-



Section

- nizances and all other instruments entered into before the adoption of this Constitution.
3. Abolishment of courts.
4. In regard to printing the Constitution.
5. Printing of ballots.
6. Duties of clerks of the counties in regard to elections.
7. Those who may vote for or against the adoption of this Constitution.

Section

8. Receiving returns.
9. Returns of votes for Constitution.—Proclamation by Governor.
10. Terms of officers at first election under this Constitution.
11. Laws applicable to judicial system created by this Constitution.
12. When this Constitution shall take effect.

COLORADO.

Article

1. Boundaries.
  2. Bill of rights.
  3. Distribution of powers.
  4. Executive department.
  5. Legislative department.
  6. Judicial department.
  7. Suffrage and elections.
  8. State institutions.
  9. Education.
  10. Revenue.
  11. Public indebtedness.
  12. Officers.
  13. Impeachments.
  14. Counties.
  15. Corporations.
  16. Mining and irrigation.
  17. Militia.
  18. Miscellaneous.
  19. Future amendments.
- Schedule.

ARTICLE I.

*Boundaries.*

Section

1. The boundaries of the State shall be as follows.

ARTICLE II.

*Bill of Rights.*

1. All political power is vested in the people.
2. The people have the sole and exclusive right to govern themselves.
3. They have certain inalienable rights.

Section

4. Freedom of religious thought and worship.
5. All elections shall be free and open.
6. The courts shall be open and justice administered without sale or delay.
7. Unreasonable searches and seizures forbidden.
8. How all persons shall be proceeded against criminally.
9. Treason against the State defined.
10. Freedom of speech.—In prosecutions for libel, the truth may be given in evidence.
11. That no ex post facto law shall be passed.
12. No person shall be imprisoned for debt, unless.
13. The right to bear arms.
14. Private property not to be taken for private use, except.
15. Private property not to be taken for public or private use, without just compensation.
16. In all criminal prosecutions the accused shall have the right to appear and defend in person and with counsel.
17. Witnesses not to be unnecessarily detained.
18. No person compelled to testify against himself.—No person put in jeopardy twice for the same offense.

## Section

19. Bail shall be accepted, except for capital offenses.
20. Excessive bail or excessive fines shall not be required, nor cruel punishments inflicted.
21. The privileges of the writ of habeas corpus.
22. The military subordinate to the civil power.
23. The right of trial by jury shall remain inviolate in criminal cases.
24. The people have the right to assemble peaceably to consult for the common good.
25. No person shall be deprived of life, liberty or property without due process of law.
26. Slavery and involuntary servitude prohibited, except as punishment for crime.
27. The rights of aliens.
28. Enumeration of certain rights in this Constitution not to impair others retained by the people.

## ARTICLE III.

*Distribution of Powers.*

1. The legislative, executive and judicial.

## ARTICLE IV.

*Executive Department.*

1. The executive department to consist of whom.
2. The supreme executive power of the State vested in the Governor.
3. The manner of electing State officers.—In case of tie, how decided.
4. To be eligible for the office of Governor, etc.
5. The Governor shall be Commander-in-Chief of the militia.
6. The Governor shall nominate those officers whose offices are established by this Constitution.—In case of vacancies, how filled.
7. The Governor shall have power to grant reprieves and pardons.

## Section

8. He may require information from the officers of the executive department.
9. He may, on extraordinary occasions, convene the General Assembly.
10. In case of a disagreement between the two houses as to the time of adjournment, he may adjourn the same.
11. Every bill shall be signed by the Governor before becoming a law.
12. The Governor shall have the power to disapprove of any item or items of any bill making appropriations of money.
13. When the Lieutenant-Governor shall act as Governor.
14. He shall be president of the Senate and shall vote only in case of tie.
15. When the president of the Senate pro tem. shall act as Lieutenant-Governor.
16. An account of all moneys received and disbursed to be kept and a report to be made.
17. Executive officers to report to the Governor.
18. The seal of State to be kept by the Secretary of State.
19. The salaries of officers named in section 1 of this article.
20. The Superintendent of Public Instruction.
21. Neither the State Treasurer nor State Auditor shall be eligible for re-election as his own immediate successor.

## ARTICLE V.

*Legislative Department.*

1. The Legislative power is vested in the General Assembly.
2. The time for holding the first General Assembly.
3. Senators shall be elected for four years, Representatives for two.
4. To be eligible for the office of Representative or Senator.
5. The Senators shall be divided into three classes.

Section

6. Compensation of members of the General Assembly.
7. Times of meeting of the General Assembly.
8. No Senator or Representative shall be appointed to any civil office under the State.
9. No member of either house during his term shall receive an increase of salary.
10. President of the Senate, speaker of the House, presidents and speakers of House and other officers.
11. The majority of each house shall constitute a quorum.
12. Each house shall determine its rules and proceedings and punish its own members for disorderly behavior.
13. Each house shall keep a journal of its proceedings.
14. Sessions of each house to be open, unless.
15. Neither house shall, without the consent of the other, adjourn for more than three days.
16. When members shall be privileged from arrest.
17. No law shall be passed except by bill.
18. The style of the laws.
19. No act of the General Assembly shall take effect until after ninety days after its passage, unless.
20. Requirements for a bill to become a law.
21. Only general appropriation bills shall contain more than one subject.
22. Every bill shall be read at length on three different days in each house.
23. Members to vote by ayes and noes, and the names of those voting to be recorded in the journal.
24. No law shall be amended by reference to its title only.
25. The General Assembly shall not pass local or special laws in any of the following enumerated cases.

Section

26. The presiding officer of each house shall in the presence of each house over which it presides, sign all bills, etc.
27. The number, duties and compensation of officers of each house shall be prescribed by law.
28. No bills shall be passed giving any extra compensation to any public officer, servant or employe, etc.
29. In regard to stationery, printing, fuel, etc.
30. Except as otherwise provided in this Constitution, no law shall extend the term of any public officer or increase or diminish his salary, etc.
31. All bills for raising revenue shall originate in the House of Representatives.
32. The general appropriation bill shall embrace nothing else.
33. No money shall be paid out of the treasury except upon appropriation.
34. No appropriations shall be made for charitable, educational or other benevolent purposes, which are not under the absolute control of the State.
35. The General Assembly shall not delegate any special commission, private corporation, etc., to interfere with any municipal improvement, etc.
36. No act of the General Assembly shall authorize the investment of trust funds by executors, etc., in the bonds or stock of any private corporations.
37. The power to change the venue in civil and criminal cases vested in the courts.
38. No obligation or liability of any person, etc., shall be held or owned by the State.
39. Orders, resolution or votes, to which the concurrence of both house may be necessary, shall be approved by the Governor before taking effect.

## Section

40. Members of either house may not promise to give their vote or influence for or against any measure; should he do so he shall be deemed guilty of bribery.
41. Bribery to be punished in such manner as shall be provided by law.
42. The offense of corrupt solicitation shall be punished by fine and imprisonment.
43. A member who has a personal or private interest in any measure shall not vote thereon.
44. One Representative from the Congress of the United States shall be elected from the State at large.
45. A census to be taken in 1885 and every tenth year thereafter.
46. The Senate shall consist of twenty-six, and the House of forty-nine members.
47. Senatorial and representative districts may be altered from time to time.
48. The State shall be divided into the above districts as follows.
49. Until an apportionment of Representatives be made in accordance with the provisions in this article, they shall be divided in the following manner.

## ARTICLE VI.

*Judicial Department.*

1. The judicial power of the State is vested in the following courts.
2. The jurisdiction of the Supreme Court.
3. Its power and authority.
4. Two terms of the Supreme Court shall be held each year.
5. It shall consist of three judges, a majority to form a quorum.
6. The manner of election.
7. Term of office shall be nine years.
8. They shall be classified by lot.—The judge having the shortest term shall be Chief Justice.

## Section

9. The clerk of the Supreme Court.—His duties and emoluments.
10. To be eligible to the office of Supreme Court judge.
11. The District Courts.—Their jurisdiction.
12. The State shall be divided into judicial districts.
13. Said districts shall be four in number, as follows.
14. The General Assembly may increase number of judicial districts.
15. The judges of the District Court first elected shall be chosen at the first general election.—Term of office.—District attorneys.
16. To be eligible to the office of District Judge.
17. The time of holding courts within said districts to be provided by law.
18. Judges of the Supreme and District Courts.—Their salary.—They may not receive further compensation or perquisites.
19. Clerk of the District Court.—His duties and compensation.
20. Terms of the aforesaid courts.
21. District attorney.—His term, duties and compensation.
22. Judge of the County Court.—His term and compensation.
23. County Courts shall be Courts of Record, and shall have original jurisdiction in all matters of probate.
24. There shall be a Criminal Court in each county having a population exceeding fifteen thousand.—Its jurisdiction.
25. Justices of the peace.—Their jurisdiction.
26. Police magistrates.
27. The judges of Courts of Record, inferior to the Supreme Court, shall report in writing to the judges of the latter such defects and omissions in the laws as their knowledge may suggest.

Section

28. All laws relating to courts shall be general and of uniform operation.
29. All officers provided for in this article, excepting judges of the Supreme Court, shall reside in the subdivision for which they may be elected.
30. The style of process.

ARTICLE VII.

*Suffrage and Elections.*

1. To be eligible to vote.
2. The General Assembly shall enact laws to extend the right of suffrage to women of lawful age, and otherwise qualified according to the conditions of this article.
3. It may prescribe by law an educational qualification for electors.
4. No person shall be deemed to have lost or gained a residence while in the civil or military service of this State, or the United States.
5. When voters are to be privileged from arrest.
6. Only qualified electors shall be elected or appointed to any civil or military office.
7. The time for holding the general election.
8. Elections by the people shall be by ballot.
9. In case of contested elections.
10. No person in prison shall be entitled to vote, etc.
11. Laws shall be passed to secure the purity of elections.
12. By whom election contests are to be tried.

ARTICLE VIII.

*State Institution.*

1. Reformatory and other institutions shall be supported by the State.
2. General Assembly shall have no power to change or locate the seat of government.
3. When the seat of government

Section

- has been located it shall not be changed, except by a two-thirds vote of all qualified electors.
4. No appropriation for capitol buildings or grounds until seat of government shall have been permanently located.
5. The following enumerated Territorial institutions shall become institutions of the State.

ARTICLE IX.

*Education.*

1. Board of education.—Its powers and duties.
2. A uniform system of free public schools shall be established.
3. Public school fund of the State shall remain forever inviolate.
4. The duties of each county treasurer.
5. What the school fund is to consist of.
6. A county superintendent of schools.—His term, duties and compensation.
7. No money is to be given in aid of any sectarian societies or schools.
8. No religious test or qualification shall ever be required.
9. State Board of Land Commissioners to consist of whom.
10. Their duties.
11. All children between the ages of six and eighteen shall attend school for a time equivalent to three years.
12. There shall be six Regents of the University.—Their term of office.
13. There shall be a president of the same.
14. The duties of the Board of Regents.
15. School districts to be organized.
16. Text-books shall not be prescribed by law.

ARTICLE X.

*Revenue.*

1. When the fiscal year commences.
2. An annual tax to be provided for.

## Section

3. All taxes shall be uniform upon the same class of subjects.
4. The property of the State and its subdivisions shall be exempt from taxation.
5. Other property which is to be exempted from taxation.
6. All laws exempting from taxation property other than mentioned herein shall be void.
7. The General Assembly shall not impose taxes for any of the subdivisions of the State.
8. No county, city, town or other municipal corporation, or the inhabitants thereof, shall be released from their or its proportionate share of taxes to be levied for State purposes.
9. The power to tax corporations, etc., shall never be suspended.
10. All corporations doing business in this State shall be subject to taxation for State and other purposes.
11. The rate of taxation for State purposes.
12. The Treasurer shall make a quarterly report to the Governor in writing under oath.
13. The making of profit out of public moneys shall be deemed a felony.
14. Private property should not be taken or sold for the payment of the corporate debt of municipal corporations.
15. State Board of Equalization to consist of whom.—Its duties.
16. Expenditures of the State not to exceed the total tax, unless.

## ARTICLE XI.

*Public Indebtedness.*

1. Neither the State nor any of the subdivisions shall lend or pledge its credit.
2. Neither the State nor any of its subdivision shall make any grant to, or become a shareholder in any corporation or company.

## Section

3. What debts and loans the State may contract.
4. In no case shall any debt above mentioned in this article be created except by law.
5. A debt for the purpose of erecting public buildings may be created by law.
6. In regard to counties contracting debts.
7. In regard to school districts contracting debts.
8. In regard to cities and towns contracting debts.
9. Nothing contained in this article shall be so construed as to either impair or add to the obligation of any debt heretofore contracted in any subdivision in accordance with the laws of the Territory, etc.

## ARTICLE XII.

*Officers.*

1. The terms of civil officers under the State.
2. Officers must devote their personal attention to the duties of their office.
3. No officer who becomes a defaulter of the public moneys shall hold an office of trust or profit in this State.
4. Other crimes which debar from holding office.
5. The County Treasurer.—His accountability to be regulated by law.
6. What constitutes bribery.
7. Every member of the General Assembly to take an oath to support the Constitution of the United States and of this State.
8. Other officers who are to do the same.
9. Those officers who are to file their oaths of office with the Secretary of State; others with the County Clerk.
10. If any person shall refuse or neglect to qualify for office, it shall be deemed vacant.
11. The term of any officer filling a vacancy shall terminate at the

Section

expiration of the term during which the vacancy occurred.

12. Duelling debars from office.

ARTICLE XIII.

*Impeachment.*

1. The House of Representatives shall have the sole power of impeachment.
2. Enumeration of officers liable to impeachment.
3. All others liable to removal for misconduct.

ARTICLE XIV.

*Counties.*

1. The several counties of the Territory to be declared counties of the State.
2. How county seats may be removed.
3. In regard to the striking off of a portion of any county to add to an adjoining county.
4. If new counties are established.—Their liabilities.
5. When part of a county is stricken off it shall be held liable to pay its ratable proportion of all then existing liabilities in the county from which it is taken.
6. County commissioners.—Their election and duties.
7. The compensation of all county and precinct officers shall be prescribed by law.
8. County Clerk and other county officers to be elected.
9. In case of vacancy in the office of county commissioner the Governor shall fill by appointment.
10. To be eligible to county office.
11. Justices of the peace, etc.—Their term of office.
12. The General Assembly shall provide for the election or appointment of other county, township, etc., officers.
13. It shall provide, by general law, for the organization and classification of cities and towns.

Section

14. Cities, towns and villages incorporated by special or local law may elect to become subject to and be governed by the general law.

15. Compensation of county and precinct officers to be fixed by law.

ARTICLE XV.

*Corporations.*

1. In regard to chartered companies which have not commenced business at the adoption of this Constitution.
2. In regard to granting, extending and amending charters by special law.
3. The General Assembly shall have the power to alter, revoke, or annul any charter.
4. Railroads are public highways, and railroad companies common carriers.
5. Parallel and competing lines may not consolidate.
6. No unreasonable discrimination shall be made in the charges for transportation of freight or passengers.
7. No railroad or other transportation company shall have the benefit of future legislation without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution.
8. The right of eminent domain shall never be abridged.
9. For what purpose stocks or bonds may be issued.
10. Foreign corporations doing business in this State must have one or more known places of business.
11. No street railroad shall be constructed in any city, etc., without the consent of the local authorities.
12. Laws for the benefit of a railroad or other corporation or individual not to be passed.

## Section

13. Telegraph lines may be constructed and maintained within the State.
14. In regard to the consolidation of railroad, telegraph and express companies with other companies organized out of this State.
15. In regard to the liability of corporations to employes injured while in their employ.

## ARTICLE XVI.

*Mining and Irrigation.*

1. Commissioner of mines.—The duties and salary.
2. The law shall provide for the proper ventilation of mines and the construction of escaping shafts, etc.
3. Drainage of mines.
4. The science of mining and metallurgy to be taught by one or more institutions of learning in the State.
5. Public waters.
6. The right to divert or appropriate the same.
7. In regard to the construction of ditches, canals and flumes.
8. The board of county commissioners may establish reasonable rates for the use of water.

## ARTICLE XVII.

*Militia.*

1. Those liable to serve in the militia.
2. The organization, equipment and discipline shall be uniform.
3. Certain officers to be commissioned and appointed by the Governor.
4. The General Assembly shall provide for the safekeeping of public arms, military records, relics, etc.
5. Persons having conscientious scruples against bearing arms

## ARTICLE XVIII.

*Miscellaneous.*

1. The General Assembly shall pass

## Section

- liberal homestead exemption laws.
2. It shall have no power to authorize lotteries.
3. It shall pass laws necessary and proper to decide differences by arbitrators.
4. The term felony defined.
5. General Assembly shall prohibit by law the importation into this State for sale any spurious, poisonous or drugged spirituous liquors, etc.—It shall also prohibit the sale of any such liquors to be used as a beverage.
6. The forests of the State to be preserved.
7. In regard to increased valuation of private lands.
8. The General Assembly shall provide for the publication of the laws passed at each session thereof; and, until the year 1900, there shall be published in Spanish and German a sufficient number of copies, etc.

## ARTICLE XIX.

*Future Amendments.*

1. The convention to revise or amend the Constitution may be called.
2. Amendments may be proposed by either house.

## SCHEDULE.

1. All laws in force at the time of this Constitution shall remain in force until they expire.
2. Obligations and other instruments entered into or executed in the Territory shall pass over to the State.
3. All property, real and personal, and all moneys, credits, etc., belonging to the Territory shall become the property of the State.
4. The General Assembly shall pass all laws necessary to carry into effect the provisions of this Constitution.



## INDEX.

xxxiii

### Section

5. In regard to the causes pending in the Supreme Court of the Territory, and other courts.
6. When the terms of judges of the Supreme and District Courts and district attorneys are to begin.
7. The seals now in use in the Supreme and District Courts of the Territory to continue.
8. The papers and proceedings of the Probate Court shall pass into the jurisdiction and possession of the County Court, etc., etc.
9. The terms Probate Court or probate judge shall, after the adoption of this Constitution, apply to the County Court or county judge.
10. All county and precinct officers shall hold their respective offices for the full time for which they may have been elected.
11. How vacancies are to be filled.
12. When the provisions of this Constitution shall be in force.
13. In case of a contested election between candidates.—How settled.

### Section

14. How votes at the first general election shall be canvassed.
15. The choosing of senators and members of the House of Representatives.
16. How votes cast for representatives in Congress at the first election held under this Constitution shall be canvassed.
17. The provision of the Constitution that no bill, etc., shall not apply to the first session of the General Assembly.
18. A copy of the abstracts of the votes cast at the first General election under this Constitution.—What is to be done with it.
19. Electors in the electoral college to be appointed.
20. After 1876 they are to be chosen by a direct vote of the people.
21. The General Assembly shall have the power to provide for the payment of the expenses of this convention.
22. All bail bonds, official bonds and other obligations, payable to the people of the Territory may, after the admission of the State, be prosecuted in the name of the people of the State.

## CONNECTICUT.

### ARTICLES.

#### Article

1. Declaration of rights.
  2. Of the distribution of powers.
  3. Of the legislative department.
  4. Of the executive department.
  5. Of the judicial department.
  6. Of the qualifications of electors.
  7. Of religion.
  8. Of education.
  9. Of impeachments.
  10. General provisions.
  11. Of amendments to the Constitution.
- Preamble

### ARTICLE I.

#### *Declaration of Rights.*

#### Section

1. All men are equal in rights.
2. Political power inherent in the people.
3. Freedom of religious thought and worship.
4. No preference to be given by law to any sect or mode of worship.
5. Freedom of speech and the press.
6. No laws ever to be passed to curtail the same.

## Section

7. In indictments for libels, the truth may be given in evidence.
8. No unreasonable seizures or searches.
9. In all criminal prosecutions the accused has the right to know the nature of his accusation.—He shall not be compelled to give evidence against himself.
10. No person shall be arrested except in cases clearly warranted by law.
11. Private property may not be taken for public use without full compensation.
12. All courts shall be open.—Justice to be administered without sale.
13. Excessive bail shall not be required.
14. Bail not accepted for capital offenses.
15. No person shall be attainted of treason or felony by the Legislature.
16. The citizens have the right to assemble in a peaceable manner for redress of grievances.
17. Citizens have the right to bear arms.
18. The military to be subordinate to the civil power.
19. Soldiers not to be quartered in private houses, nor in time of war except as prescribed by law.
20. No hereditary emoluments nor honors shall be granted in this State.
21. Right of trial by jury.

## ARTICLE II.

*Of the Distribution of Powers.*

1. They shall be divided into the legislative, executive and judicial.

## ARTICLE III.

*Of the Legislative Department.*

1. The General Assembly divided into the Senate and the House of Representatives.

## Section

2. Time and place for holding the assembly.
3. Representatives must be electors.—The number of.
4. The Senate to consist of twelve members.
5. Ballots for Senators, what to be done with them.
6. The twelve persons having the greatest number of votes for Senators shall be declared to be elected.—In case of tie, how decided.
7. Both houses shall choose its officers, except the Senate its president.—A majority of each house shall constitute a quorum.
8. Each house to determine the rules of its own proceedings.—Power to expel a member.
9. Each house to keep a journal of its proceedings.
10. When members of both houses are privileged from arrest.
11. Debates of each house to be public, except in certain cases.

## ARTICLE IV.

*Of the Executive Department.*

1. Supreme executive power of the State is vested in the Governor.
2. Election of the Governor.—In case of tie.
3. Election of Lieutenant-Governor.—Term of office same as Governor's.
4. Compensation of Governor, Lieutenant-Governor, Senators and Representatives to be fixed by law.
5. The Governor shall be commander-in-chief of the militia.
6. He may require information in writing from the officers of the executive department.
7. The Governor may in case of disagreement between the two houses adjourn the assembly.
8. Governor's message.

Section

9. He shall see that the laws are faithfully executed.
10. He may grant reprieves.
11. All commissions to bear the State seal and to be signed by the Governor.
12. In regard to the passage of bills and the Governor's approval of the same.
13. Lieutenant-Governor to be president of the Senate.
14. When the Lieutenant-Governor shall act as Governor.
15. When the president of the Senate shall act as Governor.
16. President of the Senate pro tempore.
17. The Treasurer, his powers and duties.
18. The Secretary, his powers and duties.
19. The Comptroller of public accounts, his duties.
20. Sheriff to be appointed by General Assembly in each county. — In case of vacancy, how filled.
21. A statement of all receipts, payments and debts of the State to be published.

ARTICLE V.

*Of the Judicial Department.*

1. The judicial powers of the State.
2. Appointment of Justices of the Peace.
3. Appointment of all Judges and Justices of the Peace to be by General Assembly.

ARTICLE VI.

*Of the Qualifications of Electors.*

1. All persons who have been admitted as freemen shall be electors.
2. Requirements to become a voter.
3. The right to vote forfeited after conviction of certain offenses.
4. Electors eligible for any office in the State except as provided for in the Constitution.

Section

5. Duties of selectmen and town clerk in regard to electors.
6. Privilege of free suffrage.
7. Elections of State officers and members of General Assembly. — Voting shall be by ballot.
8. Electors to be free from arrest on day of election.
9. Election day, when to be.

ARTICLE VII.

*Of Religion.*

1. No person shall be forced to belong to any particular church or sect.—All denominations to enjoy equal rights.
2. A person may separate himself from the church to which he belongs.

ARTICLE VIII.

*Of Education.*

1. The charter of Yale College is hereby confirmed.
2. The school fund shall never be used for any other purpose.

ARTICLE IX.

*Of Impeachments.*

1. Sole power in the House of Representatives.
2. All impeachments shall be tried by the Senate.
3. The Governor and all other executive officers and judicial officers shall be liable to impeachment.
4. Treason against the State, definition of.

ARTICLE X.

*General Provisions.*

1. Oath of affirmation.
2. Each town to elect selectmen and local police annually.
3. Rights and duties of corporations to remain the same as if this Constitution had not been adopted.
4. Those who may not be members of the General Assembly.

## ARTICLE XI.

*Of Amendments to the Constitution.*

## Section

1. The manner in which amendments to the Constitution may be made.

**Amendments to the Constitution**

## ARTICLE I.

Adopted November, 1828.

From and after 1830 the Senate shall consist of not less than eighteen, nor more than twenty-four members.

## ARTICLE II.

Adopted November, 1828.

The General Assembly, which shall be held on the first Wednesday in May, 1829, shall divide the State into districts for the choice of Senators, and shall determine the number which shall be elected in each.

## ARTICLE III.

Adopted November, 1828.

How Senators are to be elected. In case of tie, how.

## ARTICLE IV.

Adopted November, 1832.

There shall annually be chosen a Lieutenant-Governor, Treasurer and Secretary as is provided for in article IV, section 20, of the Constitution, for the choice of Governor.

## ARTICLE V.

Adopted November, 1836.

A Comptroller of public accounts shall be chosen annually by the electors at their meeting in April.

## ARTICLE VI.

Adopted November, 1836.

Electors on first Monday of April in each year may vote for Governor and all the State officers, or for any number at the same time.

## ARTICLE VII.

Adopted October, 1838.

Sheriff to be appointed in each county by electors, and to hold office for three years.

## ARTICLE VIII.

Adopted October, 1845.

Requirements for being an elector.

## ARTICLE IX.

Adopted October, 1850.

Appointment of Judges of Probate.

## ARTICLE X.

Adopted October, 1850.

Appointment of Justices of the Peace. Number for each town and term of office to be prescribed by law.

## ARTICLE XI.

Adopted October, 1855.

Electors must be able to read.

## ARTICLE XII.

Adopted October, 1856.

Judges of the Supreme Court and of the Superior Court appointed in the year 1855 and thereafter, shall hold office for eight years.

## ARTICLE XIII.

Adopted August, 1864.

Every drafted or volunteer soldier during the present rebellion shall have the same right to vote as if at home at time of election.

## ARTICLE XIV.

Adopted October, 1873.

All annual and special sessions of the General Assembly shall be held at Hartford, on and after the first Wednesday of May, A. D. 1875.

## ARTICLE XV.

Adopted October, 1874.

Every town of five thousand inhabitants shall be entitled to two representatives.

ARTICLE XVI.

Adopted October, 1875.

Section

1. A general election for Governor, etc., shall be held on the Tuesday after the first Monday of November, 1876.
2. Those State officers whose term shall be for one year and for two years.
3. When the General Assembly shall be held.
4. Term of office of those elected at a certain election to State offices.
5. The General Assembly elected in April, 1876, shall have power to pass such laws as may be necessary to carry into effect the provisions of this amendment.

ARTICLE XVII.

Adopted October, 1875.

The privileges of an elector disqualified by conviction of crime, may be restored.

ARTICLE XVIII.

Adopted October, 1876.

A newly incorporated town must have at least twenty-five hundred inhabitants to be entitled to a representative.

ARTICLE XIX.

Adopted October, 1876.

The provisions of section 2, article IV, of the Constitution, and of the amendments thereto, shall apply mutatis mutandis to all elections held on the Tuesday after the first Monday of November, 1876, and annually thereafter.

ARTICLE XX.

Adopted October, 1876.

Judges of Common Pleas and District Courts shall be appointed for a term of four years. Of the City and Police Courts, for a term of two years.

ARTICLE XXI.

Adopted October, 1876.

Election of Judges of Probate and term of office.

ARTICLE XXII.

Adopted October, 1876.

Compensation of General Assembly and mileage.

ARTICLE XXIII.

Adopted October, 1876.

In article VIII of amendments, the word "white" shall be erased from the first line.

ARTICLE XXIV.

Adopted October, 1877.

In regard to increasing the pay of officers and employes.

ARTICLE XXV.

Adopted October, 1877.

No city, county, town, borough, or other municipality shall ever subscribe to the capital stock of any railroad corporation, etc.

ARTICLE XXVI.

Adopted October, 1880.

Nomination of Judges by Governor, appointment by General Assembly.

ARTICLE XXVII.

Adopted October, 1884.

Section

1. State officers to be elected biennially after November, 1886.
2. How long their offices shall be held.
3. Pay of General Assembly not to exceed \$300 for their term, and one mileage each way of twenty-five cents per mile, when the regular session of the General Assembly shall begin.
5. The Senators elected on the Tuesday after the first Monday of November, 1885, shall hold their offices only until the Wednesday after the first Monday of January, 1887.

ARTICLE XXVIII.

Adopted October, 1886.

Sheriffs, when to be elected.

## DELAWARE.

## ARTICLE I.

## Section

1. Religious liberty.
2. No religious test shall be required as a qualification to any office or public trust under this State.
3. All elections shall be free and equal.
4. Trial by jury.
5. The press.
6. The people to be secure from unreasonable searches and seizures.
7. In criminal prosecutions the accused has a right to be heard by himself and his counsel.
8. No person shall for any indictable offense be proceeded against criminally except.
9. All courts shall be open. Justice administered without sale or denial.
10. Suspending laws.
11. Excessive bail or fines shall not be imposed.
12. Privileges of prisoners.
13. Habeas corpus.
14. Oyer and Terminer.
15. Attainder, suicide, deodand.
16. The citizens have a right to meet together peaceably to consult for the common good.
17. No standing army; the military subordinate to the civil power.
18. Quartering soldiers.
19. No hereditary distinction shall be granted.

## ARTICLE II.

1. Legislative power of the State vested in General Assembly.
2. Representatives. Qualifications. Number.
3. Senators. Qualifications. Numbers. Vacancies.
4. General Assembly shall meet biennially. Time of first meeting.
5. Each house, officers of.
6. Each house shall judge of the

## Section

- election and qualifications of its own members. Quorum.
7. Punishment of members.
8. Each house to keep a journal.
9. The doors of each house to be kept open, except.
10. Neither house shall adjourn for more than three days.
11. Compensation and privileges.
12. No representative or senator shall be elected or appointed to any office created during his term.
13. Vacancies, how filled.
14. Revenue bills.
15. No money shall be drawn from the public treasury but by appropriation.
16. State treasurer.
17. Corporations.

## ARTICLE III.

1. Executive powers of the State are vested in the Governor.
2. The Governor, his election. In case of tie. Contested elections.
3. Tenure of office.
4. Qualifications.
5. Disqualification.
6. Compensation.
7. The Governor to be Commander-in-Chief of the army and navy of the State.
8. Appointments to offices. Incompatible offices. Commissioners.
9. The Governor may grant reprieves and pardons.
10. He may require information in writing from the officers of the executive department.
11. Governor's message.
12. He may convene the General Assembly.
13. He should take care that the laws are faithfully executed.
14. Vacancy, how filled.
15. Secretary of State. His duties and compensation.

ARTICLE IV.

Section

1. The time for holding elections for State officers, etc.
2. Shall be privileged from arrest during attendance at elections.

ARTICLE V.

1. The House of Representatives has the sole power of impeaching.
2. The Governor and all other civil officers under this State shall be liable to impeachment.
3. Treason against the State. Definition of.

ARTICLE VI.

1. The judicial power of the State shall be vested in the Court of Errors and Appeals. The Superior Court, Court of Chancery and Orphans' Court, a Court of Oyer and Terminer, a Court of General Sessions of the peace and jail delivery, a Registers' Court. Justices of the peace, etc.
2. To compose the said courts there shall be five judges in the State.
3. Superior Court to consist of Chief Justice and two associates.
4. Court of General Sessions of the peace.
5. Court of Chancery.
6. Court of Oyer and Terminer.
7. Court of Error and Appeals. Questions of law.
8. In matters of chancery jurisdiction in which the chancellor is interested, the Chief Justice sitting in the Superior Court shall have jurisdiction.
9. The Governor shall have the power to commission a judge ad litem.
10. Orphans' Court.
11. The jurisdiction of each of the aforesaid courts shall be co-extensive with the State.

Section

12. General Assembly may alter.
13. Until the General Assembly shall otherwise provide, the Chancellor shall exercise all powers, etc.
14. Tenure of office, salaries.
15. Inferior courts.
16. Amending pleadings.—Disposition.
17. At any time pending an action for debt or damages, the defendant may bring into court the sum of money for discharging the same.
18. Suits may survive.
19. Security on appeal and error.
20. Limitation of writs of error.
21. Executors, administrators and guardians' accounts.—Exceptions.
22. Registers Court to be held in each county.
23. Prothonotaries.—Lien of judgments.
24. The Governor shall appoint a competent number of justices of the peace.
25. The style of process.

ARTICLE VII.

1. Conservators of the peace.
2. Representatives in Congress.
3. Sheriff and coroner.—Term of office.
4. Tenure of certain officials.
5. Appointment of inferior officials.
6. Salaries and fees.—A receipt for fees.
7. Costs in criminal cases.
8. Rights of corporations.—Exclusion of the clergy from holding civil office in this State.
9. Laws in force.
10. This Constitution shall be prefixed to every edition of laws made by direction of the Legislature.
11. Duties of the Legislature.
12. Property qualification.

ARTICLE VIII.

1. Oath of office.

ARTICLE IX.

Section

1. The Constitution may be amended.

SCHEDULE.

1. Offices of the present Senators and representatives shall not be vacated by any amendment.—Time of meeting of the General Assembly.
2. Offices of the present sheriffs and coroners shall not be vacated by amendment.
3. Time of first election of Representatives under this amended Constitution.
4. Term of office of the present Governor shall not be vacated or extended by amendment.
5. The time the amended Constitution shall commence, etc.

Section

6. Registers Courts, etc., not affected by amendments.
7. The General Assembly shall have power to make law necessary to carry into effect this amended Constitution.
8. In regard to the provision in the twentieth section of the sixth article of this amended Constitution.
9. The Governor shall have power to issue writs of election, to supply vacancies in either house of the General Assembly.
10. It is declared that nothing in this amended Constitution gives a writ of error from the Court of Errors and Appeals, etc.

FLORIDA.

ARTICLES.

1. Boundaries.
2. Distribution of powers.
3. Legislative department.
4. Executive department.
5. Judiciary department.
6. Suffrage and eligibility.
7. Census and apportionment.
8. Counties and cities.
9. Taxation and finance.
10. Homestead and exemptions.
11. Married Women's property.
12. Education.
13. Public instruction.
14. Militia.
15. Public health.
16. Miscellaneous provisions.
17. Amendments.
18. Schedule.
19. Local option.

ORDINANCES.

- No. 1.
- No. 2.
- No. 3.

PREAMBLE.

*Declaration of Rights.*

Section

1. Natural and inalienable rights.

Section

2. Purposes of government. Paramount allegiance.
3. Jury trial.
4. Courts open to all.
5. Religious freedom.
6. No preference to be given any church or sect.
7. Habeas corpus, to be granted speedily and without cost.
8. Bail not to be excessive nor punishment cruel.
9. Bail may be given, except for capital offenses.
10. When trials to be upon presentment or indictment, or otherwise.
11. Public, speedy and impartial trial guaranteed to all. Attendance of witnesses compulsory. Copy of indictment to be furnished accused.
12. Twice in jeopardy. Life and liberty not to be taken without due process of law.
13. Freedom of speech and press.
14. When costs are payable.
15. Rights of petition.
16. Imprisonment for debt.



Section

17. Ex post facto law.
18. Rights of foreigners.
19. Slavery not tolerated.
20. Right to bear arms.
21. Military subordinate to civil power.
22. The people shall be secure from unreasonable seizures.
23. Treason.—What testimony required to convict of.
24. This enumeration of rights does not impair other rights retained by the people.

ARTICLE I.

*Boundaries.*

1. State boundaries.

ARTICLE II.

*Distribution of Powers.*

1. Blending of powers prohibited.

ARTICLE III.

*Legislative Department.*

1. Legislative powers, where vested.—Where sessions of Legislature are to be held.
2. When to commence.—To be biennial.
3. When members of House of Representatives are to be chosen.
4. Shall be electors.—Pay of Senators and members of the house.
5. Members forbidden to hold certain offices.
6. General powers of each house.—Presiding officers, how elected.
7. What office-holders ineligible.
8. Change of residence to create vacancy.
9. Each house may punish for disorderly conduct.
10. Power to compel attendance of witnesses.
11. Quorum.—Power of less than quorum.
12. Each house to keep a journal.
13. The doors of each house to be kept open and session to be

Section

- public, except executive sessions.
14. Originating bills and amending same.
15. Enacting clause.
16. Each law restricted to but one subject.
17. Formalities to be observed in passing bills, and how they shall be signed.
18. When laws are to take effect.
19. Statement of receipts and expenditures of public money to be made.
20. What local and special legislation is prohibited.
21. Laws to be uniform in effect.—Local or special laws, how published and how passed.
22. Suits against the State.
23. Lotteries prohibited.
24. County and municipal governments to be uniform, unless otherwise provided.
25. General laws for certain corporations required.
26. Laws for regulating elections.
27. To make provision for election or appointment of certain officers.
28. Governor to sign bills before they become laws—Veto power and how exercised.—When bills not signed are to become laws.
29. Impeachment trials.
30. Appropriation laws restricted to one subject.
31. United States Senator, how elected.
32. Criminal laws not retroactive.
33. Statute of limitations not to be retroactive.

ARTICLE IV.

*Executive Department.*

1. Executive power, how vested and styled.
2. Election of Governor, and term of office.
3. To be eligible for the office of Governor.

## Section

4. Governor to be commander-in-chief of militia.
5. Governor to transact all executive business.
6. To see that all laws are executed.
7. Vacancies, how filled.
8. Governor may convene Legislature, when.
9. Shall report condition of State to each Legislature.
10. Power in case of disagreement about adjournment of Legislature.
11. May suspend collection of fines and grant reprieves.—Powers in case of treason.
12. Pardoning power, where vested, duties, etc.
13. May call upon Supreme Court for construction of constitution.
14. Grants and commissions, how signed and sealed.
15. Power of Governor as to suspension from office.—To report suspension to the Senate.—When suspended officer to resume duties of office.
16. Appointment of militia officers.—Adjutant-General and his duties.
17. Board of commissioners of State institutions.
18. Governor may veto items of appropriation bills.
19. When president of Senate or Speaker of House of Representatives, is to act as Governor.
20. Cabinet officers, how elected and term of office.
21. Secretary of State and his duties.
22. Attorney-General and his duties.
23. Comptroller, his duties.
24. Treasurer, his duties.
25. Superintendent of Public Instruction, his duties.
26. Commissioner of agriculture, his duties.
27. Cabinet officers to make full reports to Governor to be laid before each Legislature.

## Section

28. Cabinet officers to be installed the same day as Governor.
29. Salaries of Governor and cabinet.—Extra compensation forbidden.

## ARTICLE V.

*Judiciary Department.*

1. Judicial powers, how vested.
2. Supreme Court, how elected.—Term of office.—Chief Justice, how designated.
3. Who eligible to office of judge.
4. Majority a quorum.—Terms of court.
5. Appellate jurisdiction of Supreme Court.—Power to issue certain writs.
6. Legislature to prescribe how circuit judge may be called to sit in Supreme Court.
7. Clerk of Supreme Court.
8. Circuit Courts.—How judges are appointed.—Terms and exchange of Circuits.
9. Salaries of Supreme and Circuit Court judges.
10. Enumeration of judicial circuits.
11. Jurisdiction, original and appellate.—Power to issue certain writs.
12. Extra territorial jurisdiction in chancery cases may be allowed by law.
13. Judges to report defects in laws to Attorney-General.—Attorney-General to report to Legislature.
14. Circuit judge to appoint court commissioners.—Powers, duties, etc.
15. State attorney, how appointed.—Duties and term.—Sheriff and clerk, how elected.—Duties and term.
16. County judges.
17. Jurisdiction of the same.
18. Legislature may organize County Courts in certain cases.—Jurisdiction of each court.—Prosecuting attorney.
19. Judges ad litem, how and when appointed.

Section

20. Referees may be appointed.—Powers and duties.
21. County commissioners to divide counties into justice districts.—Justices of the peace to be elected.
22. Jurisdiction of justices of the peace.—Appeals, how tried.
23. Constables.
24. Criminal Court of Escambia county and other counties, how established.
25. Jurisdiction of Criminal Courts.
26. Terms.
27. Prosecuting attorneys for such courts.
28. Manner of trying offenses in such courts.
29. County Courts to have no criminal jurisdiction in certain counties.
30. Clerk of Criminal Courts, how elected, duties.
31. State attorney may be county solicitor.
32. Such courts may be abolished.
33. Term of office of judges appointed to fill vacancies.
34. Legislature may establish municipal courts.
35. Establishment of other courts forbidden.
36. Judicial officers conservators of the peace.
37. Style of process.
38. Jurors.

ARTICLE VI.

*Suffrage and Eligibility.*

1. Who are qualified electors.
2. Legislature shall make registration and election laws.
3. Oath of election.
4. Persons not qualified to vote.
5. Legislature shall exclude from office and right of suffrage persons convicted of certain crimes.
6. When vote by ballot, when viva voce.
7. Naturalized citizens to produce certificate or make affidavit.

Section

8. Legislature may make poll tax a prerequisite.
9. Purity of ballot to be preserved.

ARTICLE VII.

*Census and Apportionment.*

1. What Senators and Representatives to compose first Legislature under this Constitution.
2. Number of Senators and Representatives.—Terms of same.
3. Apportionment.
4. Organization of senatorial districts.
5. Census.

ARTICLE VIII.

*Counties and Cities.*

1. Counties.
2. To remain as organized.
3. Power of Legislature as to new counties.—Liabilities of new counties.
4. County seats.
5. County commissioners, how appointed, duties, etc.
6. County officers.—Terms of office.
7. County commissioners to divide counties into taxation districts.—Bonds of county officers required before commission can issue.—County officers not go on bonds.
8. Powers of Legislature over municipalities.

ARTICLE IX.

*Taxation and Finance.*

1. Taxation shall be equal and uniform.
2. Sufficient must be raised each year.
3. Taxes must be levied by law.
4. How money drawn from State treasury.
5. How taxes imposed by counties and towns.—Capitation and license tax.
6. State bonds.—For what purpose to be issued.
7. No taxes levied for corporations.
8. Illegal taxes not to be removed until legal taxes are paid.

## Section

9. Widows exemption from taxation.
10. Credit of State not to be pledged.—Counties not to be stockholders in or loan credit to corporations.

## ARTICLE X.

*Homestead and Exemptions*

1. Homestead exemption.
2. Exemption to inure to widow and heirs.
3. To what cases exemption of Constitution of 1868 applies.
4. Alienation of homestead not forbidden.
5. Homestead not to be reduced by incorporation in city or town.
6. Laws to be passed to enforce this article.

## ARTICLE XI.

*Married Women's Property.*

1. Property of married woman to remain her own.—When liable to husband's debts.
2. For what debts property of married women liable.
3. Laws to enforce this article to be passed.

## ARTICLE XII.

*Education.*

1. Legislature to provide system of free schools.
2. Superintendent of public instruction.
3. State board of education.—Powers and duties.
4. State school fund.—To what applied.—From what derived.
5. Principal to remain inviolate.
6. One mill tax levied annually.
7. School tax, how distributed.
8. County school tax.
9. County school fund, what to constitute.
10. School districts.—Duties of trustees of same.—Limitation of school tax.

## Section

11. City or town may be school district.—Purposes for which this fund may be used.
12. White and colored children to be kept separate.
13. County and district school fund to be used solely for school purposes.
14. Normal schools.
15. Salaries of all county school officers to be paid from county funds.

## ARTICLE XIII.

*Public Institutions.*

1. Institutions for insane, blind, etc., fostered.
2. State prison, house of refuge, workhouse.
3. Counties to provide for poor and infirm.
4. Legislature to enforce provisions of this article.

## ARTICLE XIV.

*Militia.*

1. Who are to constitute militia.
2. Legislature to provide for organization of the same.
3. Major and brigadier-generals.
4. When to be called out.

## ARTICLE XV.

*Public Health.*

1. State and county boards of health.
2. Powers of State board of health.
3. Powers of county board.

## ARTICLE XVI.

*Miscellaneous Provisions.*

1. Seat of government.
2. Oath of officers of State.
3. Salaries, how payable.
4. County officers to hold offices at county seat.
5. Donation of land to actual settlers.
6. Law and decisions of Supreme Court to be published.
7. Limit of term of office.
8. Plurality of votes to constitute choice at elections.

Section

9. When State is to pay costs in criminal prosecutions.
10. What State officers to be kept at seat of government.
11. Extra compensation to officers and payment of certain claims require two-thirds vote of both houses of the Legislature.
12. State seal and State emblem.
13. Qualifications required of sureties on all official bonds.
14. Duration of term of office of all officers.
15. Persons holding federal or any foreign office may not hold State office.—No one to hold two State offices at one time.—Exceptions.
16. Property of corporations not exempt from taxation, except a ship canal across Florida, and religious and charitable corporations.
17. Persons holding office must give personal attention to same.
18. Salaries to be deducted for failure to perform duty.
19. When amendments to Constitution of United States are to be acted on.
20. Qualifications required of Senators and congressmen.
21. Deeds and mortgages duly recorded to be evidence.—Force and effect of copies.
22. Mechanics' lien.
23. When and how soldiers may be quartered in private houses.
24. Inter-marriage of races prohibited.
25. Felony construed.
26. Legislature to make provision for claims of Ocala for aid given East Florida seminary.
27. Appropriation for Supreme Court.
28. Legislature to make provision for drainage of lands.
29. Private property not to be taken without full compensation.—How compensation is to be ascertained.

Section

30. Power of Legislature to correct abuses and prevent discrimination by common carriers.
31. Free passes to State officers forbidden.

ARTICLE XVII.

*Amendments.*

1. Constitution, how amended.
2. General revision, how to be had.

ARTICLE XVIII.

*Schedule.*

1. Constitution of 1868 superseded.—All vested rights under said Constitution protected.
2. What laws esteemed to be in force.
3. Persons now holding office, how continued.
4. Lieutenant-Governor. — Present office not vacated.
5. Vacancies in office prior to election of 1888.
6. When terms of officers appointed to fill vacancies expire.
7. Elections to fill vacancies must be for unexpired term.
8. Commissioner of lands and immigration to assume duties of commissioner of agriculture.
9. When elections for county officers occur.
10. When first election for county officers is to be held.
11. President of convention to certify copy of Constitution to Governor.
12. Duty of Governor thereon.
13. Courts to continue as now organized till changed by Legislature.
14. Terms of county officers, when to commence.

ARTICLE XIX.

*Local Option.*

1. Duty of county commissioners as to elections for sale of intoxicating liquors in each county.—How such elections are held.

Section

2. Legislature to provide for enforcement of this article.

ORDINANCES.

*Ordinance 1.*

1. How this Constitution is to be submitted to the people.
2. How Constitution is to be voted on.

*Ordinance 2.*

1. How article 19 is to be voted on.

*Ordinance 3.*

1. Pay and mileage of members of convention.

Section

2. Pay of officers and attaches of convention.—How printing is to be paid.
3. Duty of Comptroller as to issuing warrant to each member.
4. President to issue interest-bearing certificates for unpaid balance due each member.
5. Legislature to make appropriation to pay such certificates.
6. Secretary of convention to audit all accounts.

GEORGIA.

Article

1. Bill of rights.
  2. Elective franchise.
  3. Legislative department.
  4. Power of the General Assembly over taxation.
  5. Executive department.
  6. Judiciary.
  7. Finance, taxation and public debt.
  8. Education.
  9. Homestead and exemptions.
  10. Militia.
  11. Counties and county officers.
  12. The laws of general operation in force in this State.
  13. Amendments to the Constitution.
- Preamble.

ARTICLE I.

*Bill of Rights.*

Section

1. All government of right originates with the people.
2. In all prosecutions or indictments for libel, the truth may be given in evidence.
3. In cases of necessity, private ways may be granted upon just compensation.
4. Laws of a general nature shall have uniform operation.
5. The people have the inherent right of regulating internal government.

ARTICLE II.

*Elective Franchise.*

Section

1. In all elections by the people the vote shall be by ballot.
2. Registration of electors.—Those who may not vote.
3. Electors in all cases, except for treason, felony, etc., be privileged from arrest at the time of election.
4. No person who is the holder of any public money contrary to law, is eligible for office.
5. Intoxicating drinks not to be sold within two miles of election precincts on days of election.
6. Returns of elections.

ARTICLE III.

*Legislative Department.*

1. Legislative power of the State vested in General Assembly.
2. The Senate shall consist of forty-four members.
3. The House of Representatives shall consist of one hundred and seventy-five members.
4. To be elected for two years.
5. To be eligible for Senators.
6. To be eligible for Representatives.

Section

7. Each house shall be judge of the election and qualification of its own members.
8. The officers of the two houses, to consist of whom.
9. The per diem of members of the General Assembly and mileage.
10. Elections by General Assembly shall be viva voce.
11. Married women's property not liable for debts of husband.
12. Insurance companies to deposit with the Comptroller-General not less than \$100,000.

ARTICLE IV.

*Power of the General Assembly Over Taxation.*

1. The right of taxation is a sovereign right and belongs to the people.
2. Regulation of railroad freights and passenger tariffs. — Preventing unjust discriminations.

ARTICLE V.

*Executive Department.*

1. To consist of Governor, Secretary of State, Comptroller-General and Treasurer.
2. Secretary of State, Comptroller-General and Treasurer, how to be elected.
3. The great seal of the State to be kept in the office of Secretary of State.

ARTICLE VI.

*Judiciary.*

1. Judicial powers of the State vested in Supreme Court, Superior Court, Courts of Ordinary and justices of the peace.
2. Supreme Court to consist of chief justice and two associate justices.
3. There shall be a judge of the Superior Court for each judicial district.
4. The jurisdiction of the same.
5. Judges of City and Superior

Section

- Courts may preside in the courts of each other.
6. The powers of the Court of Ordinary and Probate, how vested.
7. There shall be in each militia district one justice of the peace.
8. Notary publics. — Term of office.
9. Jurisdiction and powers of all courts.
10. Attorney-General. — Term of office.
11. Solicitor-General. — Term of office.
12. Judges of the Supreme Courts and Solicitor - General, how elected.
13. Salaries of the same.
14. Requirements for the same.
15. Divorce.
16. Divorce cases to be brought in the county where defendant resides.
17. Change of venue.
18. Right of trial by jury.
19. County commissioners. — Created by General Assembly.
20. Certain courts may be abolished.
21. The costs in the Supreme Court shall not exceed ten dollars, unless.

ARTICLE VII.

*Finance, Taxation and Public Debts.*

1. The General Assembly has powers of taxation for the following purposes only.
2. All taxation shall be uniform on the same class of subjects.
3. No debts shall be contracted by the State, except.
4. Laws authorizing the borrowing of money shall specify the purposes it is to be used for.
5. The credit of the State shall not be loaned.
6. The State may not be a stockholder in any company.
7. The debt incurred in any county, municipal corporation, may not exceed a certain sum.

Section

8. The State may not assume the debt of any county, etc.
9. Officers or members of the General Assembly not to receive perquisites.
10. Municipal corporations shall not incur debt until provision for the same has been made.
11. The General Assembly shall have no authority to appropriate money directly or indirectly.
12. The bonded debt of the State.
13. The sale of property owned by the State to be applied to the payment of the bonded debt of the State.
14. General Assembly to raise by taxation additional sum of one hundred thousand dollars.
15. The financial condition of the State to be reported to the Governor quarterly.
16. The General Assembly shall not donate in favor of any person or corporation.
17. The office of State printer.

ARTICLE VIII.

*Education.*

1. There shall be a thorough system of common schools.
2. State School Commissioner.—His salary.
3. Educational fund.
4. Authority to establish and maintain public schools in counties.
5. Existing local school systems not to be affected by this Constitution.
6. Trustees of the University of Georgia may accept bequests, donations, etc.

ARTICLE IX.

*Homestead and Exemptions.*

1. The property of the head of a family to be exempted.
2. No court may enforce any judg-

Section

- ment against the property set apart for such purpose.
3. The debtor may waive his right to the benefit of the exemption.
4. Nothing in this article shall be construed to affect or repeal the existing laws of exemption.
5. See section 4 and section 3 of this article.
6. Applicant may supplement his exemption.
7. Homestead and exemptions of personal property.
8. Rights vested under previous existing laws.
9. Homesteads taken under Constitution of 1868 may be sold.

ARTICLE X.

*Militia.*

1. The State shall organize, arm and equip militia.

ARTICLE XI.

*Counties and County Officers.*

1. Each county shall be a body corporate.
2. County officers, how elected.—They may be removed.
3. Whatever officers created by the General Assembly for counties shall be uniform throughout the State.

ARTICLE XII.

*The Laws in General Operation in the State.*

1. Enumeration of.

ARTICLE XIII.

*Amendments to the Constitution.*

1. They may be proposed by either house.
2. The Constitution shall be submitted for ratification or rejection to the voters of the State.



IDAHO.

ARTICLES.

Article

1. Declaration of rights.
  2. Legislative department.
  3. Executive department.
  4. Judicial department.
  5. Elective franchise.
  6. Municipal corporations.
  7. Corporations other than municipal.
  8. Education.
  9. School and public lands.
  10. County and township organizations.
  11. Revenue and taxation.
  12. Public debt and public works.
  13. Militia.
  14. Impeachment and removal from office.
  15. Future amendments.
  16. Compact with the United States.
  17. Miscellaneous.
  18. Congressional and legislative apportionment.
  19. Public institutions.
  20. Prohibition.
- Schedule.  
Preamble.

ARTICLE I.

*Declaration of Rights.*

Section

1. All men are by nature free and have certain inalienable rights.
2. All political power is inherent in the people.
3. The State is inseparable from the Union.
4. Freedom of religious thought and worship.
5. Writ of habeas corpus.
6. Bail shall be accepted, except for capital offenses.
7. Right of trial by jury.
8. Offenses shall be prosecuted criminally by indictment, or information.

Section

9. Freedom of speech.
10. The people have the right to assemble together in a peaceable manner for the common good.
11. The people have the right to bear arms.
12. The military shall be subordinate to the civil power.
13. Right to speedy and public trial.—No person shall twice be put in jeopardy for the same offense.
14. In regard to the use of lands for the storage of water, etc.—Private property taken for public use must have a just compensation.
15. Imprisonment for debt.
16. No law impairing the obligation of contracts shall ever be passed.
17. Unreasonable searches and seizures not tolerated.
18. Right and justice shall be administered without sale or prejudice.
19. Right of suffrage not to be interfered with.
20. No property qualification for right to vote.
21. This enumeration of rights not to impair other rights retained by the people.

ARTICLE II.

*Distribution of Powers.*

1. Divided into the legislative, executive and judicial.

ARTICLE III.

*Legislative Department.*

1. The legislative power of the State is vested in the Senate and House of Representatives.
2. The Senate to consist of eighteen members; the House of Representatives of thirty-six members.

## Section

3. Elected for two years.
4. Apportionment.
5. No county shall be divided in creating districts.
6. Senator and Representative must be an elector of this State.
7. Legislators privileged from arrest, except when.
8. Sessions of Legislature to be held biennially.
9. Each house to choose its own members.—In regard to adjournment.
10. A majority of each house shall constitute a quorum.
11. To expel a member, a two-thirds vote required.
12. The business of each house to be transacted openly.
13. Each house to keep a journal.
14. Bills may originate in either house.
15. No law shall be passed except by bill, which must be read three times.
16. Every act to contain but one subject.
17. Every act to be plainly worded.
18. Revisal or amendment of an act.
19. The Legislature may not pass local or special laws in certain cases.
20. Lotteries and gift enterprises not legal.
21. All bills passed to be signed by presiding officers of the respective houses.
22. When an act is to take effect.
23. Pay and mileage of members.
24. Promotion of temperance and morality by the Legislature.
25. Oath of office.

## ARTICLE IV

*Executive Department.*

1. Officers composing the same.
2. Said officers to be elected by qualified electors of the State.
3. To be eligible for election to State offices.

## Section

4. Governor to be commander-in-chief.
5. Supreme executive power vested in Governor.
6. If vacancies occur.
7. Board of pardons.
8. The Governor may require information in writing from State officers.
9. The Governor may on extraordinary occasions convene the Legislature by proclamation.
10. All bills before becoming a law shall be presented to the Governor for his approval or disapproval.
11. The Governor may object to items in a bill, in which case they are to be reconsidered.
12. When the Lieutenant-Governor shall act as Governor.
13. The Lieutenant-Governor shall be president of the Senate.
14. When president of Senate pro tempore is to act as Governor.
15. In regard to the seal of the State.
16. Grants and permissions, how signed and sealed.
17. A semi-annual report to be made to the Governor of all money received and spent by the State.
18. Board of State prison commissioners.
19. Salaries.

## ARTICLE V.

*Judicial Department.*

1. Civil and criminal actions defined.
2. The judicial power of the State shall be vested in a court for the trial of impeachments, a Supreme Court, District and Probate Courts, and Courts of Justices of the Peace.
3. When Governor is impeached, the Chief Justice shall preside.
5. Treason against the State, definition of.
6. Supreme Court to consist of

Section

- three justices, a majority of whom shall be necessary to make a quorum, or pronounce a decision.
- 7. No justice of Supreme Court shall hold any other office in the State.
- 8. At least four terms of said court shall be held annually.
- 9. Supreme Court, jurisdiction of.
- 10. Shall have original jurisdiction to hear claims against the State.
- 11. State to be divided into five judicial districts.—A judge is to be chosen from each district.—Term of office to be four years.
- 12. District judges to reside in the districts from which they are elected.
- 13. The Legislature shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it.
- 14. The Legislature may provide for the establishment of special courts.
- 15. Clerk of Supreme Court, term of office and compensation.
- 16. Clerk of the District Court, term of office.
- 17. Salary of justices of Supreme Court and of judges of the District Courts.
- 18. District Attorney, term of office and salary.
- 19. How vacancies are to be filled.
- 20. District Court, jurisdiction of.
- 21. Probate Courts, jurisdiction of.
- 22. Justices of the peace, jurisdiction of.
- 23. To be eligible for office of district judge.
- 24. Enumeration of the judicial districts.
- 25. In regard to defects or omissions in the laws.
- 26. All general laws to be uniform in operation.
- 27. Right to increase or diminish salaries.

ARTICLE VI.

*Suffrage and Elections.*

Section

- 1. All elections by the people must be by ballot.
- 2. Qualified electors, who are.—Women may vote at school elections
- 3. Those who may not vote.
- 4. The Legislature may prescribe additional qualifications for the right of suffrage.
- 5. Service under the United States out of the State does not cause loss of residence.

ARTICLE VII.

*Finance and Revenue.*

- 1. Fiscal year to commence on second Monday of January in each year.
- 2. Such revenue as is needed is to be provided by taxation.
- 3. Property to be defined by law.
- 4. What property is exempt.
- 5. All laws to be uniform upon the same class of subjects.
- 6. For what the Legislature is not to impose taxes.
- 7. As to State taxes.
- 8. In regard to taxing corporations.
- 9. What the rate of taxation on real and personal property shall be.
- 10. It is illegal to use State, county, etc., money for personal gain.
- 11. No appropriations shall be made which shall exceed the total taxes for the year.
- 12. State board of equalization, to consist of whom.
- 13. No money shall be drawn from the treasury but in pursuance of appropriations made by law.
- 14. No money shall be drawn from the county treasuries, etc.
- 15. Business of the counties to be conducted on a cash basis.
- 16. The Legislature shall pass all laws necessary to carry out the provisions of this article.

## INDEX.

tion

Elected for two years.

Apportionment.

No county shall be divided in creating districts.

Senator and Representative must be an elector of this State.

Legislators privileged from arrest, except when.

Sessions of Legislature to be held biennially.

Each house to choose its own members. — In regard to adjournment.

A majority of each house shall constitute a quorum.

To expel a member, a two-thirds vote required.

The business of each house to be transacted openly.

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Every act to contain but one subject.

Every act to be plainly worded.

Revisal or amendment of an act.

The Legislature may not pass local or special laws in certain cases.

Lotteries and gift enterprises not legal.

All bills passed to be signed by presiding officers of the respective houses.

When an act is to take effect.

Pay and mileage of members.

Promotion of temperance and morality by the Legislature.

Oath of office.

### ARTICLE IV

#### *Executive Department.*

Officers composing the same.

Said officers to be elected by qualified electors of the State.

To be eligible for election to State offices.

Section

4. Governor  
chief.

5. Supreme  
in Go-

6. If vacan

7. Board o

8. The Go  
forma  
State

9. The Go  
dinary

Legisl

10. All bills  
shall

Govern  
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12. When t  
shall e

13. The Li  
be pre

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15. In rega  
State.

16. Grants  
signed

17. A sem  
made

money  
the St

18. Board c  
sioners

19. Salaries.

#### *Jud*

1. Civil ar  
fined.

2. The jud  
shall t

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Supren

Probab  
Justice

3. When C  
the Ch

5. Treason  
definit

6. Supreme

ARTICLE VI.

*Suffrage and Elections.*

Section

1. All elections by the people must be by ballot.
2. Qualified electors, who are.—  
Women may vote at school elections
3. Those who may not vote.
4. The Legislature may prescribe additional qualifications for the right of suffrage.
5. Service under the United States out of the State does not cause loss of residence.

ARTICLE VII.

*Finance and Revenue.*

1. Fiscal year to commence on second Monday of January in each year.
2. Such revenue as is needed is to be provided by taxation.
3. Property to be defined by law.
4. What property is exempt.
5. All laws to be uniform upon the same class of subjects.
6. For what the Legislature is not to impose taxes.
7. As to State taxes.
8. In regard to taxing corporations.
9. What the rate of taxation on real and personal property shall be.
10. It is illegal to use State, county, etc., money for personal gain.
11. No appropriations shall be made which shall exceed the total taxes for the year.
12. State board of equalization, to consist of whom.
13. No money shall be drawn from the treasury but in pursuance of appropriations made by law.
14. No money shall be drawn from the county treasuries, etc.
15. Business of the counties to be conducted on a cash basis.
16. The Legislature shall pass all laws necessary to carry out the provisions of this article.

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9  
10

ARTICLE VIII.

*Public Indebtedness and Subsidies.*

Section

1. The limit of State indebtedness.
2. State credit not to be given or loaned.
3. No subdivision of the State shall incur indebtedness in any year greater than the revenue for that year.
4. No subdivision of the State shall lend its credit.

ARTICLE IX.

1. Public free schools to be established.
2. Board of education.
3. The public school fund shall forever remain inviolate and intact.
4. What the public school fund is to consist of.
5. Sectarian institutions not to be supported by State funds.
6. How the public schools shall be managed.
7. The State Board of Land Commissioners.
8. Duties of the same.
9. In regard to compulsory education.
10. Location of the University of Idaho.
11. How the educational fund may be loaned.

ARTICLE X.

*Public Institutions.*

1. Educational, reformatory and penal institutions.
2. Location of seat of government to be at Boise City, for twenty years.
3. It may be removed.
4. All property of the Territory to become State property.
5. State prison commissioners, to be composed of whom.
6. Three directors for insane asylum.

Section

7. State institutions may be removed for sanitary reasons.

ARTICLE XI.

*Corporations, Public and Private.*

1. All existing charters under which corporations have not commenced business in good faith at the time of the adoption of this Constitution, shall have no validity.
2. In regard to changing, extending or amending charters by special law.
3. The Legislature may provide for altering, revoking or annulling any charter existing at the time of the adoption of this charter.
4. Elections of directors or managers of corporations.
5. All railroads shall be public highways, and railroad and express companies common carriers.
6. Rights of transportation.
7. Future legislation in regard to corporations.
8. Right of eminent domain shall never be abridged.
9. Fictitious increase of stock shall be void.
10. Foreign corporations must have one or more places of business.
11. No street or other railroad shall be constructed in city or town without the consent of local authorities.
12. Laws not to be passed for the benefit of any corporation or individual.
13. In regard to telegraph or telephone lines.
14. In regard to consolidating with corporations not organized in this State.
15. In regard to passing laws permitting alienation of any franchise.
16. Corporation, definition of.

Section

17. Stockholders not liable in any amount over or above the amount of stock he owns.
18. Combining for the purpose of fixing the price of any article of commerce or production by the soil is illegal.

ARTICLE XII.

*Corporations, Municipal.*

1. General laws to be passed for incorporating cities and towns.
2. Counties, cities and towns may make local, police and sanitary regulations.
3. The State shall never assume the debts of any county or town except in certain cases.
4. No county, city or town shall become any corporation, etc.

ARTICLE XIII.

*Immigration and Labor.*

1. Commissioner of immigration.—Labor and statistics.—Term of office and duties.
2. Eight hours a day's work.
3. Convict labor.
4. Employment of children under fourteen years in mines not legal.
5. Only citizens of the United States may be employed on State or municipal works.
6. Mechanics, etc., to have an adequate lien on the subject-matter of their labor.
7. Boards of arbitration, the duty of.
8. Commissioner of immigration, etc., duties and pay prescribed by law.

ARTICLE XIV.

*Militia.*

1. Who shall be enrolled.
2. Enrollment, discipline and equipment of militia.
3. Governor to commission all militia officers.
4. Disposal of records, banners and relics of the State.
5. The flag which may be carried.
6. Armed police or detective

Section

agency may not be brought into the State for suppression of domestic violence, except upon application of the Legislature or executive.

ARTICLE XV.

*Water Rights.*

1. They are subject to control of the State.
2. The right to collect rates for use of water, etc.
3. Who has the first right to use of a running stream.
4. In regard to water used for agricultural purposes.
5. In regard to priority of right.
6. Rates to be fixed by law.

ARTICLE XVI.

*Live Stock.*

1. Live stock to be protected by law against certain diseases.

ARTICLE XVII.

*State Boundaries.*

1. The boundaries.

ARTICLE XVIII.

*County Organizations.*

1. The counties of the Territory shall be the counties of the State.
2. In regard to the removal of the county seat.
3. In regard to the division of counties.
4. In regard to the establishment of a new county.
5. County governments to be uniform.
6. County officers to be elected biennially.
7. Compensation of officers provided for in section 6 of this article.
8. Compensation provided for in section 7 of this article shall be paid by fees.—Excess of fees allowed by law are to be turned over to the county treasurer.

## Section

9. The neglect or refusal of any officer to do this within forty days after the receipt of the same shall be a felony.
10. The board of county commissioners shall consist of three members whose term of office shall be two years.
11. County, township and precinct officers, their duties.

## ARTICLE XIX.

*Apportionment.*

1. Senatorial districts.

## ARTICLE XX.

*Amendments.*

1. Amendments may be proposed by either house.
2. If two or more are proposed, they shall be voted for separately.
3. In regard to revising or amending the Constitution.

## ARTICLE XXI.

*Schedule and Ordinance.*

1. To save inconvenience caused by change from Territorial to State government.
2. All Territorial laws now in force shall remain in force till they expire, if not repugnant to the Constitution.
3. Fines, etc., accruing to the Territory shall accrue to the State.
4. Also, all bonds, obligations,

## Section

- etc., shall pass over to the State.
5. In regard to officers appointed in this Territory.
6. The Constitution shall be submitted to the electors for adoption or rejection.
7. The Constitution to take effect immediately upon the admission of the Territory as a State.
8. Upon the admission as a State a proclamation shall be published calling an election.
9. How said election shall be conducted.
10. The board of canvassers, to consist of whom.
11. Duties of the same.
12. Oath of office.
13. Term of office.
14. The Governor-elect shall convene the Legislature.
15. The Legislature shall pass laws to carry into effect the provisions of this Constitution.
16. Proceedings of the Territorial Supreme Court shall pass over to the same of the State.
17. Territorial seals to be used as State seals.
18. In regard to Probate Courts after the Constitution is adopted.
19. Freedom of religious thought, public lands and boundaries, etc.
20. Adoption of the Constitution.



## ILLINOIS.

## ARTICLES.

## Article

1. Boundaries of the State.
2. Bill of rights.
3. Distribution of powers.
4. Legislative department.
5. Executive department.
6. Judicial department.
7. Suffrage.
8. Education.
9. Revenue.
10. Counties.
11. Corporations.
12. Militia.
13. Warehouses.
14. Amendments.—How proposed.  
Preamble.

## ARTICLE I.

*Boundaries.*

## ARTICLE II.

*Bill of Rights.*

## Section

1. Inherent and inalienable rights.
2. Due process of law.
3. Liberty of conscience guaranteed.
4. Freedom of speech.—Libel.
5. Right of trial by jury.
6. Unreasonable searches and seizures.
7. Bail allowed.—Writ of habeas corpus.
8. Indictment required.—Grand jury.
9. Rights of persons accused of crime.
10. Self-crimination.—Acquittal.
11. Penalties no corruption of blood or forfeiture of estate.
12. Imprisonment for debt.
13. Compensation for property taken.
14. Ex post facto laws.—Contracts.—Irrevocable grants.
15. Military subordinate to civil power.
16. Quartering of soldiers.
17. Right of assembly and petition.

## Section

18. Elections to be free and equal.
19. Protection of the law.
20. Fundamental principles.

## ARTICLE III.

*Distribution of Powers.*

## ARTICLE IV.

*Legislative Department.*

1. General Assembly.
2. Elections—Vacancies.
3. Who are eligible.
4. Disqualification by crime.
5. Oath of officers.
6. Senatorial appointment.
7. and 8. Representatives — (Inoperative.)
7. and 8. Minority representation.
9. Time of meeting — General rules.
10. Open sessions — Adjournments — Journals — Protests.
11. Style of laws.
12. Origin and passage of bills.
13. Reading — Printing — Title — Amendments.
14. Privileges of members.
15. Disabilities of members.
16. Appropriations.
17. Payment of money.—Statement of expenses.
18. Ordinary expenses — Casual deficits — Appropriations limited.
19. Extra compensation or allowance.
20. Public credit not loaned.
21. Pay and mileage of members.
22. Special legislation prohibited.
23. Against release from liability.
24. Proceedings on impeachment.
25. Fuel, stationery and printing.
26. State not to be sued.
27. Lotteries and gift enterprises.
28. Terms of office not extended.
29. Protection of miners.
30. Concerning roads — Public and private.
31. Draining and ditching.
32. Homestead and exemption laws.
33. Completion of the State house.

## ARTICLE V.

*Executive Department.*

## Section

1. Officers — Terms.
2. State Treasurer.
3. Time of electing State officers.
4. Returns — Tie — Contested election.
5. Eligibility for office.
6. Governors — Powers and duty.
7. His message and statement.
8. Convening the General Assembly.
9. Proroguing the General Assembly.
10. Nominations by the Governor.
11. Vacancies may be filled.
12. Removals by the Governor.
13. Reprieves — Commutations — Pardons.
14. Governor as Commander-in-Chief.
15. Impeachment of officers.
16. Veto power.
17. Lieutenant-Governor.
18. President of the Senate.
19. Vacancy in Governor's office.
20. Vacancy in other State offices.
21. Reports of State officers.
22. Great seal of Illinois.
23. Fees and salaries.
24. Definition of "office."
25. Oath of civil officers.

## ARTICLE VI.

*Judicial Department.*

1. Courts established.
2. Supreme Court.—Jurisdiction.
3. Qualifications of a Supreme Judge.
4. Terms of the Supreme Court.
5. Grand divisions.—Districts.
6. Election of Supreme Judges.
7. Salaries of the Supreme Judges.
8. Appeals and writs of error.
9. Reporter.
10. Clerks of the Supreme Court.
11. Appellate courts authorized.
12. Circuit courts.—Jurisdiction.
13. Judicial circuits.
14. Time of holding Circuit Courts.
15. Judges.—Increase.
16. Salaries of the Circuit judges.

## Section

17. Qualifications of judges and county commissioners.
18. County judges.—County clerks.
19. Appeals from county courts.
20. Probate courts authorized.
21. Justices of the peace and constables.
22. State's attorney in each county.
23. Cook County Courts of Record.
24. Chief justice.—Power of judges.
25. Salaries of the judges.
26. Criminal Court of Cook county.
27. Clerks of Cook County Court.
28. Justices in Chicago.
29. Uniformity in the courts.
30. Removal of any judge.
31. Judges to make written reports.
32. Terms of office.—Filling vacancies.
33. Process.—Prosecutions.—Population.

## ARTICLE VII.

*Suffrage.*

1. Qualification of voters.
2. All voting to be by ballot.
3. Privileges of electors.
4. Voting residence.
5. Soldiers in United States army.
6. Qualification for office.
7. Persons convicted of crime.

## ARTICLE VIII.

*Education.*

1. Free schools.
2. Gifts or grants in aid of schools.
3. Aid to sectarian schools prohibited.
4. Sale of text books — Teachers and officers.
5. County superintendent of schools.

## ARTICLE IX.

*Revenue.*

1. Taxation shall be uniform.
2. Other and further taxation.
3. Property exempt from taxation.
4. Sale of real property for taxes.
5. Right of redemption.
6. Release from taxation forbidden.
7. Taxes paid into State treasury.

Section

8. Limitation on county taxes.
9. Local municipal improvements.
10. Municipal taxation.
11. Defaulting officers.
12. Limitation of municipal indebtedness.

ARTICLE X.

*Counties.*

1. New counties.
2. Division of any county.
3. Attaching or detaching territory.
4. Removal of county seats.
5. County government.
6. Board of county commissioners.
7. County affairs in Cook county.
8. County officers — Terms of office.
9. Salaries and fees in Cook county.
10. Salaries fixed by county board.
11. Township officers' fees.
12. Officers' fees.
13. Sworn reports of fees.

ARTICLE XI.

*Corporations.*

1. Organization of corporations.
2. Existing charters.
3. Election of directors or managers.
4. Construction of street railroads.
5. State bank forbidden.—General law.
6. Liability of bank stockholders.
7. Suspension of specie payment.
8. Of a general banking law.

Section

9. Railroad.—Transfer offices, reports.
10. Personal property of railroads.
11. Consolidations.
12. Railroads deemed highways.—Rates fixed.
13. Stocks, bonds and dividends.
14. Power over existing companies.
15. Freight and passenger tariffs regulated.

ARTICLE XII.

*Militia.*

1. Persons liable to duty.
2. Organization—Equipment—Discipline.
3. Officers.
4. Privileged from arrest.
5. Records, etc., preservation.
6. Exemption from duty.

ARTICLE XIII.

*Warehouses.*

1. Public warehouses.
2. Weekly statements required.
3. Examination of property stored.
4. Delivery of full weights.
5. Delivery of grain by railroads.
6. Warehouse receipts.
7. Grain inspection.

ARTICLE XIV.

*Amendments to the Constitution.*

1. By a convention.
2. Proposed by the Legislature.

INDIANA.

Article

1. Bill of rights.
2. Suffrage and election.
3. Distribution of powers.
4. Legislative.
5. Executive.
6. The administrative.
7. Judicial.
8. Education.
9. State institutions.
10. Finance.
11. Corporations.
12. Militia.
13. Political and municipal corporations.

Article.

14. Boundaries.
15. Miscellaneous.
16. Amendments.
- Schedule.
- Preamble.

ARTICLE I.

*Bill of Rights.*

Section

1. All men are naturally equal and have certain inalienable rights.—Origin of power and object of government.
2. Religious freedom.

## Section

3. Laws not to control religious opinion.
4. No preference to be given to any particular sect.
5. Religious tests and qualifications for office not allowed.
6. No money to be drawn from the treasury for religious or theological institutions.
7. Witnesses not rendered incompetent on account of religion.
8. Mode of administering oaths.
9. Freedom of speech and of the press.
10. Prosecutions for libel.
11. Exemption from illegal seizures and searches.
12. Courts open.—Right of justice.
13. Rights of persons accused of crime.—Witnesses.—Counsel.
14. Second trial forbidden.—Not to testify against one's self.
15. Confinement in jail not to be unnecessarily rigorous.
16. Excessive bail and fines.—Cruel punishments.
17. Right of bail.
18. Penal Code founded on principles of reformation.
19. Juries to determine the law and facts.
20. Right of trial by jury in civil cases.
21. Particular services or private property not to be taken without payment.
22. Imprisonment for debt not allowed.
23. Exclusive privileges not to be allowed.
24. Ex post facto laws forbidden.—Contracts.
25. No law to be passed by any authority not recognized in Constitution.
26. Laws only to be suspended by General Assembly.
27. Privilege of writ of habeas corpus.
28. Treason defined.
29. Treason, how proven.
30. Conviction not to work corruption of blood or forfeiture.

## Section

31. The people have the right to assemble together in a peaceable manner to consult for the common good.
32. Right of bearing arms.
33. Military subordinate to civil power.
34. Quartering of soldiers.
35. Titles of nobility and hereditary distinctions forbidden.
36. Emigration from State not to be forbidden.
37. Slavery forbidden.—Indentures of negroes made out of State not valid in it.

## ARTICLE II.

*Suffrage and Election.*

1. Elections free and equal.
2. Qualifications of voters.
3. Persons in army and navy not to gain right by being stationed.
4. Absence in service of State or United States not to forfeit rights.
5. Negroes and mulattoes denied the right of voting. (Stricken out.)
6. Bribery at elections to forfeit right.
7. Duelling to disqualify from voting.
8. Laws may be passed depriving criminals of the right to vote or hold office.
9. No person holding a lucrative office or appointment under the United States, or under this State, shall hold office.—Exceptions.
10. Non-accounting holders of public money to be eligible to office.
11. Appointments pro tempore.
12. Electors privileged from arrest.
13. Election by the people to be by ballot by the General Assembly viva voce.
14. Day of general election.

ARTICLE III.

*Distribution of Powers.*

Section

1. The legislative, the executive and the judicial.

ARTICLE IV.

*Legislative.*

1. Powers, how vested.—Style of laws.
2. The number of each house.—Chosen by counties and districts.
3. Term of members of each house. Classification of Senators.—In case of injuries.
4. Census to be taken once in six years.—Who to be enumerated.
5. Apportionment.
6. Districts not to be separated.
7. Qualification of members.—Least age.
8. Privilege of members.—Freedom of debate.
9. Sessions biennial.—Special sessions.
10. Powers of each house.—Adjournments.
11. Two-thirds of each house shall constitute a quorum.—Each house shall keep a journal.
13. Doors to be open, except.
14. Punishment of members.—Expulsion.
15. Power over persons not members.
16. Each house to have powers necessary in a free and independent State.
17. Bills may originate in either house.
18. Every bill shall be read on three separate days in each house.
19. Every act shall embrace but one subject, and matters properly connected therewith.
20. Every act and joint resolution shall be plainly worded.
21. No act shall be revised or amended by mere reference to its title.
22. The General Assembly shall not pass local or special laws as

Section

- in any of the following enumerated cases.
23. General laws shall be of uniform operation.
  24. Suits against the State.—Special acts for this not allowed.
  25. Bills to be passed by a majority of those elected.
  26. Right of protest.
  27. Every law to be public, if not otherwise declared.
  28. Publication of laws, in cases of emergencies.
  29. Pay of members.— Mileage.— Limit of sessions.
  30. Members not eligible to certain other offices.

ARTICLE V.

*Education.*

1. Executive power vested in Governor.— Not to be elected two consecutive terms.
2. Lieutenant-Governor.— Term.
3. When elected.
4. How elected.— Returns of election.
5. In case of tie, how settled.
6. Contested elections to be determined by law.
7. Qualifications for the office.
8. Members of Congress.— Of Federal offices, not eligible.
9. Beginning of term.
10. Vacancy in office of Governor, how filled.
11. President of the Senate in case Lieutenant-Governor serves as Governor.
12. The Governor shall be commander-in-chief of the militia.
13. To communicate by a message.
14. To sign bills.—Veto power limited.
15. To transact business with officers of government.— May require information.
16. He shall take care that the laws are faithfully executed.
17. Pardoning powers.
18. To fill certain vacancies in office.
19. To issue writs of election to fill vacancies.

## Section

20. May in certain cases convene General Assembly elsewhere than at the seat of government.
21. Lieutenant-Governor to preside in Senate.—May speak in committee of the whole.—Casting vote.
22. Salary of Governor.
23. Of Lieutenant-Governor.
24. They are not eligible to other offices.

## ARTICLE VI.

*Administrative.*

1. State officers, eligible four years in six.
2. County officers.—Terms.—Limit of eligibility.
3. Other county and township officers to be elected by law.
4. Officers must be voters.—Limit of residence.
5. Official residence of State officers.
6. Residence and offices of county officers, etc.
7. Removal of State officers.
8. Impeachment or removal of officers.
9. Vacancies in county and township offices.
10. Powers may be conferred upon county boards.

## ARTICLE VII.

*Judicial.*

1. Judicial powers of the State, how vested.
2. Supreme Court, how organized.—Quorum.—Terms of judges.
3. The State shall be divided into as many districts as there are judges of the Supreme Court.
4. Jurisdiction of Supreme Court.
5. Decision to be in writing and of record.
6. Publication of decisions.—Judges not to report decisions.
7. Clerk of the Supreme Court.—Terms and duties.
8. Circuit Courts.—Jurisdiction.

## Section

9. Judicial Circuits.—Judges.—Terms.—Residence.
10. Exchange of circuits by judges.—Case of inability to hold court.
11. A prosecuting attorney in each district.
12. Removal of judges and prosecuting attorneys.
13. Salaries of judges.
14. Justices of the peace.—Terms.—Powers.
15. Conservators of the peace.
16. Judicial officers not eligible to any other offices.
17. General Assembly may modify or abolish grand jury system.
18. Style of process.—Authority of criminal prosecutions.
19. Tribunals of conciliation.—To be binding only when parties consent.
20. Commissioners to revise rules, etc.—May reduce the laws to a code.
21. Every voter entitled to admission to practice law.

## ARTICLE VIII.

*Education.*

1. Duty of the State to encourage improvements in schools.
2. The common school fund shall consist of the Congressional township fund, and the lands belonging thereto, etc.
3. The principle to remain inviolate.—Income to be applied for no purpose but schools.
4. Investment of school fund.—Distribution.
5. In case of failure to demand its proportion by any county.
6. Counties liable for safe keeping of school fund.
7. Trust funds to be inviolable.
8. The election of Superintendent of Public Instruction.—Terms and duties.

## ARTICLE IX.

*State Institutions.*

1. Benevolent institutions to be maintained.

Section

2. Houses of refuge to be provided.
3. Who are to be supported on fines and in asylums.

ARTICLE X.

*Finance.*

1. Taxation to be uniform.—Property exempted.
2. Revenues for payment of the public debt.
3. No money to be drawn from the treasury but in pursuance of appropriations made by law.
4. Reports of receipts and expenditures shall be made.
5. Objects for which State debts can be contracted.
6. Restrictions upon county subscriptions.—Credit not to be loaned.
7. The State not to be liable to pay or redeem any certificate of stock, etc.

ARTICLE XI.

*Corporations.*

1. No bank or banking company to be created, except as prescribed by Constitution.
2. Banking law for all banks, except under section 4.
3. In case of a banking law being passed, bills to be countersigned, securities, under State control.
4. A bank with branches may be chartered.
5. Mutual responsibility of branches.
6. Liability of bank stockholders.
7. Redemption of bills in gold or silver.—No suspension of specie payments to be allowed.
8. Preference to bill.—Holders in case of insolvency.
9. Banks not to receive a greater rate of interest than individuals.
10. Banks to close business within twenty years.
11. Trust funds may be invested in with banks.—Safety to be guaranteed.

Section

12. State not to become a stockholder after present bank charter expires.—Credit not to be loaned.
13. Other corporations may be formed under general laws.
14. Dues from corporations, how secured.—Personal liability of incorporators

ARTICLE XII.

*Militia.*

1. The militia, how composed.—To be armed, equipped and trained.
2. Governor to appoint certain officers.
3. Officers to be commissioned by the Governor.—Term limited to six years.
4. Organization and subdivision of militia.
5. Sedentary and active militia.
6. Persons may be exempted from military service.

ARTICLE XIII.

*Political and Municipal Corporations.*

1. No political or municipal corporation in this State shall ever become indebted, in any manner or for any purpose to any amount, in the aggregate exceeding two per cent of the value of taxable property within such corporation.

ARTICLE XIV.

*Description of Boundaries.*

1. Description of boundaries.
2. Concurrent jurisdiction on rivers forming a common boundary of other States.

ARTICLE XV.

*Miscellaneous.*

1. Officers not enumerated, to be chosen by law.
2. Offices not limited to be held at pleasure of appointing power.—New offices.—Not more than four years.
3. Term to begin when elected and qualified.

## Section

4. Officers to take an official oath.
5. Seal to be kept by Governor.
6. Commissions, how sealed and signed.
7. Least area of new counties.
8. Lotteries forbidden.
9. Grounds reserved for State capitol not to be sold or leased.
10. Preservation of Tippecanoe battleground.

## ARTICLE XVI

*Amendments.*

1. Amendments may be proposed in either branch of the General Assembly.
2. To be submitted.

## SCHEDULE.

*When to Take Effect.*

1. Laws now in force, continued.
2. Suits, proceedings, etc., continued.

## Section

3. Fines, penalties, etc., to be continued.
4. Acts of incorporations for municipal purposes continued.
5. Governor to act until successor is qualified.
6. First session of General Assembly.
7. Senators, continued.
8. First election under Constitution.
9. First State officers.
10. Continuance of office.—Proviso.
11. Officers to take oath to support Constitution.
12. Vacancies in existing offices.
13. Separate vote concerning negroes and mulattoes.
14. No other article or section to be submitted separately.
15. A new county from Perry and Spencer allowed, if voters approve.
16. Charter of Clarksville may be amended.

## IOWA.

## ARTICLE I.

*Bill of Rights.*

## Section

1. All men are by nature free and equal, and have certain inalienable rights.
2. The political power is inherent in the people.
3. There shall be no established religion.—Freedom of religious thought and worship.
4. No religious test shall be required as a qualification for office.
5. Duelling disqualifies for office.
6. All laws of a general nature shall have a uniform operation.
7. Freedom of speech and of the press.
8. Unreasonable seizures and searches prohibited.
9. The right of trial by jury shall remain inviolate.
10. In criminal prosecutions, the

## Section

- accused shall have the right to a speedy and public trial.
11. Where fines do not exceed one hundred dollars or imprisonment thirty days after trial shall be before a justice of the peace.
12. No person shall, after acquittal, be tried for the same offense.
13. A writ of habeas corpus shall not be suspended.
14. The military shall be subordinate to the civil power.
15. Quartering of soldiers.
16. Treason against the State defined.
17. Excessive bail shall not be required.—Excessive fines shall not be imposed, nor cruel punishments inflicted.
18. Private property shall not be taken for public use without just compensation.



Section

19. No person shall be imprisoned for debt.
20. The people have the right to assemble together to consult for the common good.
21. No bill of attainder, ex post facto law, etc.
22. Foreigners who become residents of the State shall enjoy the same rights of property as native born citizens.
23. Slavery and involuntary servitude prohibited, unless for the punishment of crime.
24. No lease or grant of agricultural lands for more than twenty years.
25. This enumeration of rights shall not impair others retained by the people.
26. Prohibition.

ARTICLE II.

*Right of Suffrage.*

1. Those who may vote.
2. Electors privileged from arrest on days of election.
3. Not obliged to perform military duty on day of election.
4. No soldier or sailor of the United States shall be considered a resident of this State by reason of being stationed therein.
5. Those who may not vote.
6. All elections by the people shall be by ballot.

ARTICLE III.

*Distribution of Power.*

1. The legislative, the executive and the judiciary.

*Legislative Department.*

1. The legislative authority of this State shall be vested in the General Assembly, which shall consist of the Senate and House of Representatives.
2. Sessions of the same to be biennial.
3. Election of the House of Representatives.
4. Qualifications of the same.
5. Qualification of Senators.

Section

6. The number of Senators.
7. Each house shall choose its own officers, and judge of the qualifications of its members.
8. A majority of each house shall constitute a quorum to transact business.
9. Each house shall keep a journal. — The consent of two-thirds to expel a member.
10. Every member of the General Assembly may protest against any act, etc.
11. Senators and Representatives privileged from arrest.
12. Vacancies to be filled by the Governor.
13. The doors of each house shall be opened, except.
14. May not adjourn for more than three days.
15. Bills may originate in either house.
16. Every bill before it becomes a law shall be signed by the Governor.
17. No bill shall be passed unless by the assent of a majority, etc.
18. The statement of receipts and expenditures of public moneys shall be, etc.
19. The House of Representatives shall have the sole power of impeachment.
20. Officers who are liable to impeachment.
21. No Senator or Representative during his term shall be appointed to any civil office, etc.
22. No person holding a lucrative office under the United States or this State may hold a seat in the General Assembly.
23. No person who may be a collector or holder of public moneys may hold any office of trust or profit in this State until he shall have accounted for and paid into the treasury all sums for which he may be liable.
24. No money shall be drawn from

**Section**

- the treasury but in consequence of appropriations made by law.
25. The pay of the General Assembly.
  26. What laws passed by the General Assembly are to take effect.
  27. No divorce shall be granted by the General Assembly.
  28. Lotteries illegal.
  29. Every act shall embrace but one subject.
  30. The General Assembly shall not pass local or special laws in the following cases.
  31. In regard to extra compensation.
  32. Oath of affirmation.
  33. Enumeration of the inhabitants to be made every ten years.
  34. The number of Senators shall after each enumeration be fixed by law.
  35. They shall not consist of more than fifty members, nor the House of Representatives of more than a hundred.
  36. At its first session under this Constitution, etc., they shall fix the ratio of representation.
  37. In regard to a congressional, senatorial or representative district when composed of two or more counties.
  38. In all elections by the General Assembly the vote shall be viva voce.

**ARTICLE IV.**

*Executive Department.*

1. The supreme executive power vested in the Governor.
2. Shall be elected by qualified votes.
3. Lieutenant-Governor.—Term of office and time of election.
4. In case of tie.
5. Contested elections for Governor, etc., shall be determined by the General Assembly.
6. To be eligible for the office of

**Section.**

- Governor and Lieutenant-Governor.
7. The Governor shall be Commander-in-Chief of the militia.
  8. He may require information in writing from the officers of the executive department.
  9. He shall take care that the laws are carefully executed.
  10. The Governor shall have the power to fill certain vacancies.
  11. He may, on extraordinary occasions, convene the General Assembly.
  12. He shall communicate by message to the General Assembly.
  13. In case of disagreement between the two houses with respect to the time of adjournment, he shall have the power to adjourn the same.
  14. No person shall, while holding office in the authority of the United States or this State execute the office of Governor.
  15. The official term of the Governor and Lieutenant-Governor, when to commence.
  16. The Governor shall have the power to grant reprieves, commutations and pardons.
  17. In case of death or impeachment or other disabilities of the Governor, the Lieutenant-Governor shall fill his place.
  18. The Lieutenant-Governor shall be president of the Senate.
  19. If while the Lieutenant-Governor is acting as Governor he shall become incapable of performing his duties, the president pro tempore of the Senate shall act as Governor until the vacancy is filled.
  20. The seal of State to be kept by the Governor.
  21. All grants and commissions shall be in the name of the State.
  22. The Secretary of State, Auditor and Treasurer, their election and term of office.

ARTICLE V.

*Judicial Department.*

Section

1. The judicial power is vested in the Supreme Court, District Court, etc.
2. The Supreme Court shall consist of three judges, two of whom shall constitute a quorum.
3. Their election and qualifications.
4. The Supreme Court shall have appellate jurisdiction only in cases of chancery.
5. The District Court shall consist of a single judge.— His term of office.
6. The District Court, and its jurisdiction.
7. The judges of the Supreme and District Courts shall be conservators of the peace.
8. The style of all process.
9. Salaries of judges of the Supreme Court, and of the District Court.
10. The State shall be divided into eleven judicial districts, etc.
11. They shall be chosen at the general election.
12. Attorney-General to be elected by the people.—His term of office.
13. A county attorney shall be elected, who shall reside in the county from which he was elected.
14. It shall be the duty of the General Assembly to provide for the carrying into effect of this article.

ARTICLE VI.

*Militia.*

1. The militia.—Composed of whom.
2. No person having scruples of bearing arms shall be compelled to do military duty, etc.
3. All commissioned officers of the militia shall be commissioned by the Governor.

ARTICLE VII.

*State Debt.*

1. The credit of the State shall not be given or loaned.
2. The State may contract debts to supply casual deficits.

Section

3. In regard to losses of a permanent school or university fund.
4. The State may also contract debts to repel invasion.
5. In regard to contracting other debts.
6. Laws passed for contracting further debts if none had been contracted in pursuance thereof, may be repealed.
7. Every law which imposes, continues or revives the tax shall distinctly state the tax.

ARTICLE VIII.

*Corporations.*

1. No corporation shall be created by special laws.
2. The property of corporations for pecuniary profit shall be subject to taxation.
3. The State not to become a stockholder, etc.
4. No political or municipal corporation shall become a stockholder in any banking corporation.
5. All laws authorizing corporations with banking powers shall be submitted to the people before they shall take effect.
6. A State bank with branches may be established.
7. If a State bank is established it shall be founded on actual specie basis.
8. If a general banking law shall be enacted, etc.
9. Every stockholder in a banking corporation shall be individually responsible and liable to its creditors, etc.
10. In case of the insolvency of any banking institution, the bill holders shall have a preference over all its other creditors.
11. The suspension of specie payments shall never be permitted.
12. The General Assembly shall have power to amend or repeal all laws for the creation of corporations, etc.

ARTICLE IX.  
*Education and School Lands.*

First.

Section

1. Board of education.
2. No person shall be eligible as member of said board who shall not have attained the age of twenty-five years.
3. Choosing of the members of the board.
4. The meeting of the first session of the same.
5. The sessions shall be limited to twenty days.
6. A secretary shall be appointed. — His duties.
7. Rules and regulations to be published.
8. The board shall have full power to legislate, etc.
9. The Governor of the State shall be ex officio a member of the board.
10. The board shall have no power to levy taxes.
11. The State University.
12. Common schools to be kept open three months in each year.
13. The members of the board shall receive the same per diem.
14. A majority of the board shall constitute a quorum for the transaction of business.
15. The General Assembly shall have the power to abolish or reorganize said board.

Second.

1. They shall be under the control and management of the General Assembly.
2. The university lands.
3. The General Assembly shall encourage intellectual improvement.
4. Certain moneys to be applied for the support of common schools.
5. The General Assembly to have a general supervision of school funds and lands.
6. The financial agents of the school funds shall be the same as control the State and county revenue.

Section

7. The money subject to the support of common schools to be distributed proportionately.

ARTICLE X.

*Amendments to the Constitution.*

1. Any amendment to the Constitution may be proposed in either house.
2. If two or more amendments shall be submitted, etc., the electors shall vote for or against each of such amendments separately.
3. The Constitution may be revised once in ten years.

ARTICLE XI.

*Miscellaneous.*

1. The jurisdiction of justices of the peace.
2. Requirements for creating a new county.
3. No county or other political or municipal corporation is to contract debts, etc.
4. The boundaries of the State may be enlarged, with the consent of Congress and the General Assembly.
5. Every person before entering upon the duties of his office to take an oath or affirmation to support the Constitutions of the United States and this State, and also an oath of office.
6. In regard to the filling of vacancies.
7. In regard to the General Assembly locating public lands.
8. The seat of government is permanently established at the city of Des Moines.

ARTICLE XII.

*Schedule.*

1. The Constitution shall be the supreme law of the State.
2. All laws now in force not inconsistent with this Constitution shall remain in force until they expire.

Section

3. In regard to indictments, prosecutions, etc., pending in any of the courts.
4. All fines, penalties, etc., shall inure to the State, county or school fund, in the manner prescribed by law.
5. In regard to the bonds executed to the State.
6. The date of the first election under this Constitution.
7. The date of the first election of State officers.
8. The first election of judges of the Supreme Court, etc.
9. When the first regular session of the General Assembly shall be held.

Section

10. How long the Senators elected at the August election shall remain in office.
11. No person elected by popular vote, or by vote of the General Assembly shall hold office for a longer period than this Constitution prescribes.
12. The State shall be divided into eleven judicial districts.
13. This Constitution shall be submitted to the electors to be accepted or rejected.
14. Shall the word white be stricken out?
15. Until otherwise directed by law, the county of Mills shall be a part of the sixth judicial district.

KANSAS.

Preamble.

Bill of rights.

I. Executive.

II. Legislative.

III. Judicial.

IV. Elections.

V. Suffrage.

VI. Education.

VII. Public institutions.

VIII. Militia.

IX. County and township organization.

X. Apportionment.

XI. Finance and taxation.

XII. Corporations.

XIII. Banks and currency.

XIV. Amendments.

XV. Miscellaneous.

Schedule.

Resolutions.

Amendments.

*Bill of Rights.*

Section

1. All men equal.—Inalienable rights.
2. Origin of political power.—Objects of governments.—No special privileges to be granted.—This power not to be exer-

Section

- cised by any tribunal or agency.
3. Right of assembling and petitioning.
4. Right of bearing arms.—Standing armies.—Military to be subordinate to civil power.
5. Right of trial by jury.
6. Slavery prohibited.
7. Religious freedom.—No religious tests allowed.
8. Right of habeas corpus.
9. Right of bail.—Excessive bail.—Cruel punishments.
10. Rights of persons accused of crime.—Witnesses.—Counsel.—Witness against ones-self.—Twice in jeopardy.
11. Freedom of speech and of the press.—Trials of libel.
12. Trial to be within the State.—Corruption of blood.—Forfeiture.
13. Treason defined.—How punished.
14. Quartering of soldiers.
15. Security against illegal seizures and searches.
16. Imprisonment for debt not allowed except in case of fraud.

## Section

17. No distinction between citizens and aliens as to property.
18. Right of justice.
19. Hereditary emoluments not allowed.
20. This enumeration of rights not to impair others remaining with the people.

## ARTICLE I.

*Executive.*

1. Executive department.—How composed.—Elected for two years.—Term, when to begin.
2. Elections, how returned.—State canvassers.—Case of equal vote.
3. Supreme executive powers vested in Governor to see that laws are executed.
4. May require information in writing.
5. May convene Legislature on extraordinary occasions.—Messages.—Recommend measures.
6. May adjourn both houses in certain cases.
7. Pardoning power.
8. State seal to be kept by Governor.
9. Commissions, how issued, signed and sealed.
10. Certain officers not eligible as Governor.
11. In case of vacancy, Lieutenant-Governor to act residue of term.
12. Lieutenant-Governor to be President of Senate.—Shall vote when President pro tempore.
13. Case of vacancy in office of Lieutenant-Governor or acting as Governor.
14. Vacancies in other offices of executive department.
15. Pay of officers of executive department.—Neither increased nor diminished.
16. To report to Governor before each session of Legislature.

## ARTICLE II.

*Legislative.*

## Section

1. Legislative power, how vested.
2. House of Representatives.—Senate.—Number limited.—Basis of representation.
3. Pay of members.—Mileage.—Limit.
4. Qualification of members.
5. Members of Congress, etc., not eligible.—Acceptance to vacant seat.
6. Embezzlement or misuse of public funds to forfeit seat.
7. Oath of office of State officers.
8. Quorum.—Rules.—Judges of election of members.
9. Vacancies in both houses.
10. Journals.—Yeas and nays.—Adjournments.
11. Right of protest.—To be entered upon journals.
12. Origin of bills.—Amendments.
13. Majority elected necessary to pass bills.
14. To be signed by Governor.—Veto power.
15. To be read on three separate days.—When this rule may be suspended.
16. Bills to embrace but one subject.—Laws.—How revived or amended.
17. General laws.—To be uniform in operation.
18. No divorces to be granted by Legislature.
19. Limitation of laws.—Publication.—Power to provide for elections.
20. Enacting clause of laws.—No law to be passed except by bill.
21. Local legislation may be allowed.
22. Freedom of legislative debate.—Privilege of members.
23. Schools to be provided.—No distinction between sexes as to rights.
24. No money to be drawn from treasury but by law.—Appropriations limited to two years.

Section

25. Sessions held at State capital.—When to commence.
26. Census once in ten years.—In 1865 and after.
27. Impeachments.—To be tried by Senate.
28. Officers liable to impeachment.—Limit of judgment.—Further trial.
29. General election in 1876.—Thereafter elect members of House for two years, Senate four years.

ARTICLE III.

*Judicial.*

1. Judicial power, how vested.—All courts of record to have a seal.
2. Supreme Court, how composed.—Quorum.—Term.—First election.
3. Jurisdiction of Supreme Court.—Terms.
4. Officers of court to be appointed.—Terms.
5. Judicial districts.—One judge in each.—Term.—Duties.
6. Jurisdiction of District Courts.
7. Clerks of District Court.—Term.
8. Probate Courts.—Jurisdiction.—To consist of one judge.—Elected.—Compensation.
9. Justices of the Peace.—Term.—Powers.—Number.
10. Appeals from Probate Courts and Justices of the Peace.
11. Election of judicial officers.—Vacancies.—How filled.
12. Judicial officers to hold until successors have qualified.
13. Salaries, not to be increased during term.—Not to receive fees.—Not to practice law.
14. Judicial districts may be increased during term.—Not to vacate any office.
15. Removal of justices and judges.
16. Jurisdiction at chambers.—To be regulated by law.
17. Style of process.—Authority for prosecution.
18. Judicial districts.

Section

19. Counties may be attached for judicial purposes.
20. Judges pro tempore in certain cases.

ARTICLE IV.

*Elections.*

1. Election by the people to be by ballot.—In Legislature to be viva voce.
2. Elections.—When held.

ARTICLE V.

*Suffrage.*

1. Qualifications of electors.—Classes entitled to privilege.
2. Classes excluded.—Defaulters to government.—Those guilty of bribery.—Disloyal persons.
3. Soldiers, etc., not to gain right by residence.—Not to vote.—Do not gain or loose.
4. Proofs as to those entitled to vote.
5. Duelling to disqualify from holding office.
6. Bribery at elections to disqualify for the term to which elected.
7. Privilege of electors from arrest.

ARTICLE VI.

*Education.*

1. State Superintendent of Public Instruction.—A superintendent in each county.—Term.
2. Intellectual improvement, etc., to be encouraged.—Schools of high grade.
3. Proceeds of certain public lands. Other sources of school fund.
4. Distribution of school funds annually.—No State funds unless three months schools each year.
5. School lands.—When sold.—Revaluation once in five years.—Leased, when.
6. Sundry moneys applied to school purposes.
7. State university.—Normal schools. University fund.

## Section

8. No religious sect to have control of school or university funds.
9. Board of commissioners.—To have management of school funds.

## ARTICLE VII.

*Public Institutions.*

1. Benevolent institutions to be supported by State.—Trustees, how appointed.
2. Penitentiary. — Directors, how elected.
3. Vacancies in office, how filled.
4. Support of aged and infirm by counties.

## ARTICLE VIII.

*Militia.*

1. How composed.—Persons who may be exempted.
2. Militia to be organized and disciplined.
3. Election of militia officers.
4. Governor commander-in-chief.—When to call out militia.

## ARTICLE IX.

*County and Township Organizations.*

1. Organization of new counties.—County lines.—County seats.—Change of seat.—Least area of new county.
2. County and township officers.
3. County officers to hold two years, etc., except commissioners, who hold three.—Sheriff and treasurer limited.
4. Township officers.—Term annual, except justices of the peace.
5. Removal of county and township officers.

## ARTICLE X.

*Apportionment.*

1. Each county to have at least one Representative.—Districts.
2. Basis of representation.—The census once every five years.
3. Present apportionment in the two Houses.

## ARTICLE XI.

*Finance and Taxation.*

## Section

1. Assessment and taxation to be uniform.—Property exempted.
2. Taxing of notes, bills, etc., of banks and bankers.
3. Revenues to pay current expenses of the State.
4. No tax to be levied but by law.—The object to be stated.—To be applied to no other purpose.
5. State debt limited.—Laws creating debt.—How passed.
6. To be submitted to direct vote of people.
7. State may borrow money to repel invasion, etc.—Money thus raised to be applied exclusively to its object.
8. State not to carry on internal improvements.

## ARTICLE XII.

*Corporations.*

1. No special acts to be passed conferring corporate power.—General laws.—Subject to amendment or repeal.
2. Individual liability of stockholders.
3. Religious corporations, how title vested.
4. Right of way.—Payment, how made or secured.
5. Organization of cities and towns.
6. Term "corporation" defined.—May sue and be sued.

## ARTICLE XIII.

*Banks and Currency.*

1. No bank to be established but by general law.
2. Security required from banks.—Auditor to register and countersign bills.
3. Additional security.—When required.
4. Redemption of circulating notes.—Holders of notes to have preference in case of insolvency.
5. State not to be a stockholder in any bank.



Section

6. Banks required to keep offices and officers at convenient places in State.
7. Limit of denomination of notes.
8. Banking law to be submitted to vote of people.
9. Any banking law may be amended or repealed.

ARTICLE XIV.

*Amendments.*

1. How proposed by Legislature.—How ratified by people.
2. Convention, how called.

ARTICLE XV.

*Miscellaneous.*

1. Officers not otherwise provided for to be as law directs.
2. Tenure may be fixed by law.—If not fixed, to be at pleasure of appointing power.—Not over four years.
3. Lotteries and sale of lottery tickets prohibited.
4. Public printer, how elected.—Term of office.
5. Receipts and expenditures to be published.
6. Protection of rights of married women.
7. Salaries may be reduced for neglect of legal duty.
8. Temporary seat of government.—Permanent location by popular vote.
9. Homestead exemption.
10. Prohibition.

SCHEDULE.

1. Continuation of suits, actions, etc.
2. Fines, penalties, bonds, etc., continued.

Section

3. Governor, secretary, judges, etc., to hold until superseded.
4. Continuance of laws until repealed or expiration.
5. Governor to use private seal until State seal is provided.
6. Certain offices to be kept at seat of government.
7. Records, documents, books, etc., how disposed of.
8. Suits, pleas, proceedings, etc., to continue.
9. Vote on adoption or rejection of Constitution.
10. Vote.—How to be cast.
11. If adopted, an election to be held for members of Legislature and other officers.
12. Persons allowed to vote at first election.
13. Votes to be registered.
14. Judges of election to take an oath.—Vacancies in board.—How filled.
15. Hours of election.
16. Poll books to be furnished.
17. Votes, how counted.—Returns, how made.
18. Poll books and tally lists, how kept or returned.—Time for making returns.
19. County tribunals to canvass votes.—To make returns to president of convention.
20. Board of State canvassers.—Results, how declared.
21. Proclamation announcing result.
22. Copies to be transmitted to President and officers of Congress.
23. Duty of Governor upon notice of admission of State.
24. First Legislature not to change county lines.
25. Separate vote on homestead question.

KENTUCKY.

Preamble.  
 Bill of rights.  
 Distribution of the powers of government.  
 Legislative department.  
 Local and special legislation.  
 County and county seats.  
 Impeachments.  
 Executive department.  
 Officers for districts and counties.  
 Judicial department.  
 Court of Appeals.  
 Circuit Court.  
 Quarterly Courts.  
 County Courts.  
 Justice Courts.  
 Fiscal Courts.  
 Suffrage and elections.  
 Municipalities.  
 Revenue and taxation.  
 Education.  
 Corporations.  
 Railroads and commerce.  
 Militia.  
 General provisions.  
 Mode of revision.  
 Schedule.

*Bill of Rights.*

Section

1. All men are by nature free and equal, and have certain inherent rights.
2. Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere.
3. No special privileges shall be made to any man or set of men.
4. All power is inherent in the people.
5. No preference shall be given by law to any religious sect.
6. All elections shall be free and equal.
7. The right of trial by jury.
8. Freedom of the press.
9. In cases of libel the truth may be given in evidence.

Section

10. Unreasonable searches and seizures are illegal.
11. The rights of accused in criminal prosecutions.
12. No person, for indictable offenses, shall be proceeded against criminally.
13. No person shall be put in jeopardy twice for the same offense.
14. All courts shall be open, and justice shall be had without sale or delay.
15. No power to suspend laws shall be exercised unless by the General Assembly.
16. Bail shall be accepted, except for capital offenses.
17. Excessive bail or fines shall not be required nor cruel punishment inflicted.
18. No imprisonment for debt.
19. No ex post facto law shall be enacted.
20. No person shall be attainted of treason or felony by the General Assembly.
21. The estate of suicides.
22. No standing army.—The military subordinate to the civil power. — Quartering of soldiers.
23. No title of nobility or hereditary distinctions.
24. Emigration from the State shall not be prohibited.
25. Slavery and involuntary servitude forbidden, except.
26. To guard against transgression of the high powers we have delegated, etc.

*Distribution of Powers.*

27. The legislative, executive and judicial.
28. They shall not exercise the powers of each other.
29. The legislative power shall be vested in a House of Representatives and Senate.

Section

30. The election of the members of the same.
31. How they shall be elected.
32. To be eligible as a Representative or Senator.
33. The State to be divided into thirty-eight senatorial districts and one hundred representative districts.
34. The Legislature shall choose its officers biennially.
35. There shall be one hundred Representatives and thirty-eight Senators.
36. When the first General Assembly under this Constitution shall meet.
37. A majority of the members of each house shall constitute a quorum.
38. The General Assembly shall judge of the qualifications of its own members.
39. The General Assembly may determine its own rules and punish members for disorderly conduct.
40. Each house shall keep a journal.
41. They may not adjourn for more than three days.
42. Compensation for the same.
43. They shall be privileged from arrest.
44. No member of the General Assembly shall be appointed to any civil office during his term, nor for one year thereafter.
45. No holder of public money shall be eligible to the General Assembly, unless.
46. Every bill shall be read on three different days in each house.
47. Bills for raising revenue shall originate in the House of Representatives.
48. The General Assembly shall have no power to diminish the resources of the sinking fund.
49. It may contract debts not to exceed \$500,000.
50. In regard to its power to authorize any debt on behalf of the commonwealth, etc.

Section

51. No law shall relate to more than one subject.
52. The indebtedness, or liability of corporations, or individuals, shall not be released.
53. Monthly investigations shall be provided for by law into the accounts of the Treasurer and Auditor.
54. In regard to injuries resulting in death, or to personal property.
55. No act, except, etc., shall become a law until ninety days after adjournment.
56. No bill shall become a law until signed by the Governor.
57. If a member has a personal or private interest in a bill, he shall not vote thereon.
58. The General Assembly shall not audit nor allow any private claim against the commonwealth, except.
59. The General Assembly shall not pass local or special acts in any of the following cases.
60. It shall not indirectly enact any special or local act by the repeal in part of a general act, etc.
61. In regard to the sale of intoxicating liquors.
62. The style of the laws.

*Counties and County Seats.*

63. In regard to the forming of new counties.
64. No county shall be divided, without submitting the question to a vote of the people of the county.
65. There shall be no territory stricken from any county unless a majority of the voters shall petition for it.

*Impeachment.*

66. Sole power in the House of Representatives.
67. Shall be tried by the Senate.
68. The Governor and all civil officers shall be liable to impeachment.

*Executive Department.***Section**

69. Supreme executive power vested in the Governor.
70. His election.
71. He may not serve for the succeeding four years after the expiration of his term.
72. To be eligible for the same.
73. When his term of office shall begin.
74. His salary to be fixed by law.
75. He shall be Commander-in-Chief of the militia.
76. He may fill certain vacancies.
77. His powers.
78. He may require information in writing from the officers of the executive department.
79. His message.
80. He may, on extraordinary occasions, convene the General Assembly.
81. He shall take care that the laws are faithfully executed.
82. The Lieutenant-Governor, his election and term of office.
83. He shall be president of the Senate, and may vote in case of tie.
84. He shall take the Governor's place under certain conditions.
85. A president pro tempore of the Senate.
86. The compensation of Lieutenant-Governor, or president pro tempore of the Senate.
87. In case of the death or disability of the Lieutenant-Governor, etc.
88. The Governor may veto a bill.
89. Every order, resolution or vote in which conference of both houses may be necessary shall be presented to the Governor.
90. Contested elections for Governor and Lieutenant-Governor, how determined.
91. Qualification and election of State officers.—Their duties and term of office.
92. The Attorney-General.
93. Certain State officers may not be re-elected.

**Section**

94. The office of Register of the Land Office may be abolished.
95. The time for electing State officers under this Constitution.
96. All the officers mentioned in section ninety-five shall be paid by salary and not otherwise.
97. At the general election in 1892 there shall be elected in each Circuit Court district a commonwealth attorney, and in each county a county clerk.—Their duties and terms of office.
98. The Commonwealth's attorney.—His salary.
99. Election of county officers.—Their term of office.
100. To be eligible to the offices mentioned in sections ninety-seven and ninety-nine.
101. The qualifications of constables.—Their jurisdiction and term of office.
102. When a new county shall be created.—Officers for the same.—Shall serve until the next regular election.
103. Certain county officers to give bonds and security.
104. The office of assessor may be abolished.
105. The offices of jailor and sheriff may be united.
106. The fees of county officers shall be regulated by law.
107. The General Assembly may provide for the election or appointment of such other county officers as may be necessary.
108. After the expiration of six years from the adoption of this Constitution the office of Commonwealth's attorney may be abolished.

*Judicial Department.*

109. The judicial power of the State shall be vested in the Senate and one Supreme Court (to be styled the Court of Appeals.)
110. It shall have appellate jurisdiction only.—Its powers.

Section

111. The Court of Appeals shall be held at the seat of government.
112. Term of office for judges of the same.—They may be removed.
113. Shall consist of not less than five nor more than seven judges.
114. To be eligible as judge of said court.
115. The present judges shall hold their offices until their terms expire.
116. They shall be elected by districts.
117. A majority of the judges of the Court of Appeals will constitute a quorum.
118. The judge longest in commission shall be Chief Justice.
119. The Superior Court shall continue until the terms of the present judges expire.
120. The clerk of the Court of Appeals.—His term.
121. To be eligible to said office.
122. Should a vacancy occur in the office of clerk, how filled.
123. The style of process shall be.
124. The clerks of the Court of Appeals, Circuit and County Courts may be removed.
125. A Circuit Court shall be established in each county.
126. The jurisdiction of the same.
127. The right to appeal, etc., shall remain as it now exists until altered by law.
128. The State to be divided into judicial districts.
129. Elections shall be held in each district to elect a judge.
130. To be eligible as judge of Circuit Court.
131. There shall be at least three regular terms of the same in each county every year.
132. Additional districts may be added.
133. Compensation of judges of the Circuit Court.
134. The judicial districts of the State shall not be changed,

Section

- except at the first session after enumeration.
135. No courts, save those provided for in this Constitution, shall be established.
136. In case the judge of a Circuit Court shall fail to attend.
137. Each county having a population of 150,000 or over shall constitute a district, which shall be entitled to four judges.
138. Each county having a city of 20,000 inhabitants, and a population, including said city, of 40,000 or more, may constitute a district.
139. The Quarterly Court shall be established in each county.—Jurisdiction of the same.
140. County Court to consist of one judge.—His compensation.
141. The jurisdiction of the same.
142. Justices of the peace.—Jurisdiction of the same.
143. A Police Court may be established.—Its jurisdiction.
144. Each county shall have a Fiscal Court.
- Suffrage and Elections.*
145. To be eligible to vote.
146. No person in the military, naval or marine service of the United States shall be deemed a resident of this State by reason of being stationed within the same.
147. All persons entitled to vote shall register.
148. Not more than one election each year in the State shall be held.
149. Voters privileged from arrest, etc.
150. What disqualifies from holding office.
151. The unlawful use of money in an election disqualifies for office.
152. How vacancies shall be filled.
153. Except as otherwise provided for, voting shall be regulated by general law.

**Section**

154. The sale of intoxicating liquors on election days to be controlled by law.
155. The provisions of sections 145 to 154, inclusive, shall not apply to the election of school trustees.

*Municipalities.*

156. Cities and towns of the State, for the purpose of organization, shall be divided into six classes.
157. The limit of tax rates of cities, towns and counties.
158. The limit of indebtedness which may be incurred by the same.
159. In case any county, city or town is authorized to contract a debt, etc.
160. The municipal officers shall be elected by qualified voters.  
— Their terms of office.
161. Compensation of the same.
162. No county, city, town or other municipality shall pay any claim created against it, without express authority of the law.
163. No street railway, telephone or other similar company shall be authorized to construct lines without the consent of the local authorities.
164. No county, city, etc., shall grant any franchise for a term exceeding thirty years.
165. No person shall at the same time be a State officer, etc., or a member of the General Assembly.
166. All acts of incorporation heretofore granted shall continue in force under this Constitution.
167. Election of city and town officers.
168. No municipal ordinance shall fix a penalty for a violation thereof at less than that imposed by statute for the same offense.

*Revenue and Taxation.***Section**

169. When the fiscal year shall commence.
170. What property is to be exempt from taxation.
171. The General Assembly shall provide by law an annual tax, etc.
172. All property not exempted shall be assessed at a fair cash value.
173. The making of profit out of public funds shall be deemed a felony.
174. All corporate property shall pay the same rate of taxation as paid by individual property.
175. The power to tax property shall not be surrendered.
167. The State shall not assume the debt of any of its sub-divisions.
177. The credit of the State shall not be given or loaned.
178. All laws authorizing the borrowing of money by the State or any of its subdivisions, shall specify the purpose for which the money is to be used.
179. No sub-division of the State may become a stockholder in any company.
180. The poll tax may not exceed one dollar and fifty cents per head.
181. The State may not impose taxes for the benefit of any of its sub-divisions.
182. Nothing in this Constitution shall prevent the General Assembly from providing by law how railroads and railroad property shall be assessed.

*Education.*

183. Common schools to be maintained throughout the State.
184. The school fund shall remain inviolate.
185. Provisions by law shall be made in regard to the school fund.

**Section**

- 186. Each county to receive its proportionate share of the school fund.
- 187. No distinctions to be made on account of race or color in the distribution of the school fund.—There shall be separate schools for white and colored children.
- 188. All moneys received from the United States shall become a part of the school fund.
- 189. No money shall be donated to any sectarian institution.

*Corporations.*

- 190. Requirements for a corporation to obtain the benefit of future legislation.
- 191. All charters, etc., under which an actual organization shall not have taken place at the time of the adoption of this Constitution, shall be void.
- 192. No corporation shall engage in business other than that authorized by its charter.
- 193. For what corporations shall issue stock and bonds.
- 194. All corporations carrying on business in this State shall have one or more places of business.
- 195. The right of eminent domain.
- 196. Transportation charges for freight and passengers to be regulated by law.
- 197. It shall be illegal to give passes to any officers of the State or of any of its sub-divisions.
- 198. The General Assembly shall enact laws to prevent trusts, pools, or combinations.
- 199. Telegraph lines may be constructed within the State and may connect with other lines the same as telephone companies.
- 200. If any railroad, telegraph or express company shall consolidate with any like company not organized in this

**Section**

- State it shall not thereby become a foreign corporation.
- 201. No telephone, telegraph or common carrier company shall consolidate with any other company owning parallel or competing lines, etc.
- 202. Foreign companies shall not transact business in the State on more favorable terms than are permitted to domestic companies.
- 203. No corporation shall lease any franchise so as to relieve the same from liabilities of the lessee.
- 204. Any banking officer who shall receive money on deposit, knowing the bank to be insolvent, is guilty of a felony.
- 205. Corporations abusing their corporate powers shall forfeit their charters.
- 206. Elevators and storehouses declared to be public warehouses, and subject to legislative control.
- 207. In regard to the elections for directors or managers of corporations.
- 208. The word corporation defined.

*Railroad and Commerce.*

- 209. Railroad commission.—The term and duties of the same.
- 210. No corporation engaged in the business of common carrier shall engage in any other business.
- 211. Those who are not privileged to the right of eminent domain.
- 212. Rolling stock and other movable property belonging to any railroad shall be considered personal property, etc.
- 213. In regard to the duties of railroads, transfer, belt lines and railway bridge companies have certain duties to perform in regard to other similar companies.
- 214. They shall not make any exclusive or preferential con-

## Section

- tract or arrangement with any individual, etc.
215. Other regulations in regard to the same.
216. The tracks of such companies may intersect or cross.
217. Any person, association or corporation violating any of the above provisions willfully shall be fined for the first offense \$2,000.
218. Regulations in regard to the charges of common carriers

*Militia.*

219. The militia, to consist of whom.
220. The General Assembly shall provide for maintaining an organized militia, and may exempt certain persons from service.
221. The discipline and equipment of the militia shall conform as nearly as possible in the armies of the United States.
222. Militia officers not otherwise provided for shall be elected by persons subject to military duty.
223. The safe keeping of public arms, military records, etc.

*General Provisions.*

224. The General Assembly shall provide by general law what officers shall execute a bond, etc.
225. No armed bodies of men shall be brought into the State to suppress domestic violence.
226. Lotteries illegal.
227. An enumeration of officers subject to indictment or prosecution for malfeasance in office.
228. Oath or affirmation to be taken.
229. Treason against the State defined.
230. No money shall be drawn from the State treasury except by appropriation.
231. The General Assembly may direct by law in what manner

## Section

- suits may be brought against the State.
232. How the oath shall be administered.
233. In regard to certain laws which shall be in force until repealed.
234. All civil officers for the State and all officers for the subdivisions of State shall reside and keep their offices within the State and its subdivisions.
235. The salaries for public officers shall not be changed during the terms for which they were elected.
236. The time when the officers authorized by this Constitution shall enter upon their duty.
237. No officer of the United States shall be eligible to hold office in this State.
238. In regard to persons who are sureties for public officers.
239. Duelling debars from office.
240. But offender may be pardoned after five years by the Governor.
241. Damages may be obtained for death or injury inflicted by negligence of corporations.
242. Private property taken for public use shall receive just compensation.
243. In regard to the employment of children.
244. All wage-earners employed in factories, mines, workshops, or by corporations shall be paid in lawful money.
245. Commissioners shall be appointed to revise the statute laws of this State.
246. In regard to the limit of salaries.
247. In regard to printing, etc.
248. The grand jury, to consist of whom.
249. Enumeration of clerks, etc., of the General Assembly.—Their pay.



Section

- 250. Differences may be decided by arbitrators.
- 251. In regard to the possession of lands lying within this State where it is necessary for their recovery to refer to any patent issued by the State of Virginia.
- 252. Institutions of detention, correction and reformation to be maintained.
- 253. Contract convict labor prohibited.
- 254. The State shall maintain the control of convicts, etc.
- 255. The seat of government shall continue in the city of Frankfort, unless.

*Mode of Revision.*

- 256. Amendments may be proposed from either house.
- 257. Before an amendment shall be submitted it shall be published at least ninety days before a vote shall be taken thereon.
- 258. A convention revising or amending the Constitution may be called.
- 259. It shall consist of as many delegates as there are members of the House of Representatives.
- 260. The manner of electing delegates.

Section

- 261. The duties of the General Assembly in regard to calling the convention.
- 262. The convention when assembled shall be the judge of the election and qualification of its own members.
- 263. Before a vote is taken upon the question of calling a convention, a notice of the election shall be published.

SCHEDULE.

- 1. All laws in force at the time of the adoption of this Constitution shall remain in force until repealed.
- 2. In regard to obligations, etc., entered into before the adoption of this Constitution.
- 3. Certain courts as now constituted and organized by law shall continue with their respective jurisdictions.
- 4. State officers shall continue to hold their offices until the election and qualification of their successors.
- 5. All officers who may be in office at the adoption shall continue until their successors are elected.
- 6. In regard to certain courts created by this Constitution.

LOUISIANA.

Preamble.

*Bill of Rights.*

Section

- 1. All government of right originates with the people.
- 2. The people have the right to be secure against unreasonable searches and seizures.
- 3. The people have the right to bear arms, but not concealed weapons.
- 4. Established religion prohibited.—Freedom of speech and of

Section

- the press.—The right of the people to assemble peaceably to consult for the common good.
- 5. Slavery or involuntary servitude, except for the punishment of crime, forbidden.
- 6. No person shall be compelled to give evidence against himself, nor shall he be deprived of life, liberty or property without due process of law.

## Section

7. In criminal prosecutions, the accused shall have a speedy and public trial by an impartial jury.
8. He shall also be informed of the nature of the accusation and he may defend himself by counsel.
9. Excessive bail or excessive fines shall not be required nor cruel punishments inflicted.—Bail to be accepted except for capital offenses.
10. The writ of habeas corpus shall not be suspended.
11. Justice to be administered without denial or unreasonable delay.
12. The military subordinate to the civil power.
13. This enumeration of rights shall not impair other rights retained by the people.

*Distribution of Powers*

14. The powers of the government are in the legislative, executive and judicial.
15. No department or person therein shall exercise the power or duties of the others.

*Legislative Department.*

16. Representation in the House of Representatives shall be equal and uniform.—Apportionment to be made after each Federal census.
17. Also the State to be divided into Senatorial districts.
18. Until such apportionment mentioned in articles 16 and 17, the State shall be divided into the following Senatorial districts.

*General Assembly.*

19. The legislative power of the State shall be vested in the General Assembly.
20. The style of the laws.
21. The time of meeting of the General Assembly.

## Section

22. To be eligible to a seat in the House of Representatives and Senate.
23. Each house shall judge of the qualifications, election and returns of its members, choose its own officers, etc.
24. Either house may punish, etc.
25. Members of the Legislature may not be appointed or elected to any civil office, etc.
26. They shall be privileged from arrest.
27. Their compensation.
28. Each house shall keep a journal.
29. Laws to embrace but one subject.
30. No law to be revised or amended by reference to its title.
31. The General Assembly shall never adopt any system or code of laws by general reference.
32. A quorum shall consist of a majority of members of each house.
33. Neither house, without the consent of the other, shall adjourn for more than three days.
34. The yeas and nays of either house shall be entered on the journal.
35. All bills for revenue shall originate in the House of Representatives.
36. Bills rejected by either house shall not again be proposed in the same house during the same session.
37. Every bill shall be reported on three different days and shall be passed if a majority vote for it.
38. Amendments by one house must be concurred in by the other.
39. Title of the bill to be read.
40. Laws passed by the General Assembly must be promulgated.
41. The clerical officers of the two houses.

# INDEX.

lxxx

## Section

42. All stationery, printing and fuel used by State shall be furnished by contract.
43. Relative to receipts and expenditures of public moneys.
44. General Assembly not to contract any debt.
45. General Assembly not to grant any extra compensation to officers.
46. General Assembly shall not pass any special or local laws in the following specified objects.
47. The General Assembly shall not indirectly enact special or local laws by the partial repeal of any general law.
48. Relative to local and special laws.
49. No law shall be passed fixing the price of manual labor.
50. Members of the General Assembly not to vote when interested.
51. Relative to public money for denominations of religion.
52. The General Assembly shall have no power to increase expenses of any office.
53. Relative to appropriation bill.
54. Relative to appropriations for a specific purpose.
55. No appropriation shall be made at the close of the session.
56. Relative to the funds, credit and property of the State of Louisiana.
57. General Assembly not to release indebtedness of any corporation.

## *Executive Department.*

58. Shall consist of Governor, Lieutenant-Governor, Auditor, Secretary of State and Treasurer.
59. The supreme power shall be vested in Governor.
60. Qualifications of Governor and Lieutenant-Governor.
61. When Governor shall enter on discharge of his duties.
62. Relative to impeachment of Governor.

## Section

63. Compensation of Lieutenant-Governor when acting as Governor.
64. Lieutenant-Governor shall be President of the Senate.
65. Compensation of Lieutenant-Governor.
66. Governor shall have power to grant reprieves.
67. Compensation of Governor.
68. Governor to nominate and appoint officers.
69. The Governor to have power to fill vacancies.
70. He may require information from officers of executive department.—The Governor shall be commander-in-chief of militia.
71. Governor to furnish information to General Assembly.
72. Governor to take care the laws are executed. To convene the General Assembly in extra session.
73. The Governor to sign bills passed by both houses.—To return bill within five days.
74. Power of the Governor to disapprove of any item of a bill making appropriations.
75. Governor shall have power to approve every order, resolution or vote of General Assembly.
76. How and when Treasurer, Auditor, Attorney-General and Secretary of State shall be elected.
77. The compensation of officers of executive department.
78. Appropriations for clerical expenses of officers of executive department.
79. All commissions shall be made in the name and by the authority of the State of Louisiana.

## *Judiciary Department.*

80. Judicial power shall be vested in Supreme Court, Courts of Appeal, in District Courts and Justices of Peace.

## Section

81. Jurisdiction of Supreme Court.
82. How Supreme Court is composed, salary of the judges, how judges are appointed, term of office of judges, how vacancies are filled, how organized, qualifications of judges.
83. Supreme Court districts.—Judges to be appointed from districts.
84. Sessions of the Supreme Court.—Judges of Supreme Court to appoint their clerks.
85. Relative to judgments by Supreme Court.—Relative to recusal of judges of Supreme Court.
86. All judges shall be conservators of the peace.
87. Judges to refer to law in rendering judgments.
88. There shall be a reporter of Supreme Court.
89. Judges of Supreme Court to issue writs of habeas corpus, etc.
90. Supreme Court shall have control of all inferior courts and issue writs of habeas corpus, etc.
91. Appeals from District Courts to Supreme Court.
92. Judges of Supreme Court to perform none but judicial duties.
93. Judges of courts to be liable to impeachment.
94. Election, qualifications and salary of Attorney-General.
95. Jurisdiction of Courts of Appeal.
96. How Courts of Appeal are composed, how judges are elected, term of office of judges, qualifications of judges.
97. Circuits of Courts of Appeal.
98. Number of sessions of Courts of Appeal.
99. Terms of circuit of Courts of Appeal.
100. Whenever the first day of the term shall fall on a legal holiday, the court shall begin its sessions on the next legal day after.
101. Relative to judgments by judges of Courts of Appeal.

## Section

102. Relative to trial of causes on appeal to Courts of Appeal.
103. Rules of practice regulating appeals to Courts of Appeal.
104. Judges of Courts of Appeal to issue writs of habeas corpus, etc.
105. Compensation of judges of Courts of Appeal.
106. The sheriff of the parish to attend sessions of Courts of Appeal.
107. Limited number of District Courts.
108. Present number of District Courts.
109. Jurisdiction of District Courts.
110. Relative to increase of number of judges of District Courts.
111. Jurisdiction of District Courts.
112. Relative to recused cases in District Courts.
113. Relative to qualifications of judges.
114. Relative to legislation affecting judges.
115. Judges of District Courts shall have the power to issue writs of habeas corpus.
116. The General Assembly to provide for the selection of intelligent jurors.
117. Number of terms of District Courts.—How terms are fixed and number of jury terms.
118. There shall be a sheriff and coroner elected in each parish.—The coroner shall act for sheriff when sheriff is an interested party.—Qualifications and bond of sheriff.
119. Compensation of sheriff.
120. Qualification of coroners.
121. There shall be a clerk of District Court in each parish.—He shall be elected.—Salary and qualifications of said clerks.
122. The General Assembly shall have power to authorize clerks of courts to grant certain orders.
123. Clerks of courts may appoint deputies.

Section

124. Number of district attorneys.—How and when elected.—Term of office and qualifications.
125. Justices of the peace.—Number of.—How elected.—Term of office, jurisdiction of, compensation of.
126. Relative to jurisdiction of justices of the peace.
127. Constables.—Number of, how elected, term of office of, compensation of.
128. Court of Appeals in city of New Orleans.
129. Relative to transfers from Supreme Court to Court of Appeals.
130. Number of District Courts, number of judges, qualifications of judges of, how judges are appointed, salary of judges, term of office of judges, jurisdiction of District Courts.
131. The General Assembly to have power to increase number of judges of District Court.
132. Trial of causes in District Court.
133. Relative to the deposit of money by District Court.
134. District Attorney of Orleans county.—His duties, qualifications and compensation.—He may also appoint a deputy.
135. To regulate salaries of judges and fix fees of the City Court of Orleans.—To increase the number of city courts of Orleans.
136. The General Assembly may provide for police or magistrate's courts.
137. Relative to the clerk of Civil Court of Orleans.—How elected, term of office, salary of the, removal of the, qualification and bond of.
138. Judges of District Courts of Orleans to appoint minute clerks.

Section

139. The sheriff to be executive officer of District Courts.—To provide for the trial of sheriffs.
140. Fees of the civil sheriff.
141. Deputies to be appointed by the sheriff.—He is to be responsible for them and may remove them at pleasure.
142. The bond of the civil sheriff.—The bond of the criminal sheriff.
143. Constables of Orleans.—Number of, how elected, term of office, duties and compensation of, removal of the.
144. Recorder of mortgages of parish of Orleans.—How elected, term of office of, salary of, qualifications and duties of, employees of the.
145. The General Assembly to enact a fee bill for the clerks, sheriffs, constables, register of conveyances and recorder of mortgages in Orleans.
146. Clerks of Criminal Court to be paid from special fund.—Clerk of Civil Court to be paid from special fund.
147. Coroner.—Ex-Officio city physician.—Qualifications of, how elected, term of office of the, salary of the, to appoint an assistant, to be paid by the parish of Orleans.

*General Provisions.*

148. No person shall be eligible to vote, serve as juror, or hold office who shall have been convicted of treason, bribery, forgery, or any crime punishable with a term in the penitentiary.
149. The members of the General Assembly and all officers to take following oath.
150. The seat of government shall be and remain at Baton Rouge.
151. Treason against the State defined.

## Section

152. All civil officers shall be removable by vote of General Assembly except those whose removal is otherwise provided for.
153. No United States officer shall be eligible to any office in this State.
154. The Journal of proceedings of General Assembly to be in English language.
155. No ex post facto law shall be passed.
156. Private property shall not be taken or damaged without just and adequate compensation being made.
157. No power of suspending laws shall be exercised except by General Assembly or its authority.
158. The General Assembly provide for change of venue in civil or criminal cases.
159. No person shall hold or exercise more than one office of trust or profit under State government.
160. The General Assembly may determine mode of filling office when vacancies occur.
161. All officers shall continue in office until their successors shall have been installed.
162. The military shall be subordinate to the civil power.
163. Each parish shall support its own paupers.
164. Relative to domicile of soldiers, sailors and marines of the United States.
165. The General Assembly to pass laws of arbitration.
166. The power of the courts to punish for contempt to be limited by law.
167. The General Assembly shall have the power to grant lottery charters.
168. In all proceedings the truth may be used.—The jury shall judge of the law.

## Section

169. No salaried officer shall be allowed fees.
170. The General Assembly shall have power to enact laws regulating the sale and use of spirituous liquors.
171. No person intrusted with the care of public money shall be eligible to any office of trust or profit until surrender of said moneys.
172. Gambling is prohibited.
173. Relative to bribery of any State officer.
174. Any person may be compelled to testify in lawful proceedings against bribery, but said person's testimony shall not criminate him or subject him to public infamy.
175. The General Assembly shall pass laws to protect laborers and property.
176. Relative to mortgages or privileges on immovable property.
177. Privileges on movable property exist without registration.
178. The General Assembly shall provide for the interest of State medicine, and for the health of the citizens.
179. The General Assembly shall create a bureau of agriculture and provide for expenditures of the same.
180. The New Basin Canal and Shell road shall not be leased.—The Governor shall appoint a superintendent of canals.

*Militia.*

181. The General Assembly shall provide for the militia of the State.
182. The militia shall not receive any compensation when not in actual service.
183. The General Assembly may exempt from military services.—The Governor may call out the militia.

*Suffrage and Elections.*

184. The people shall elect by ballot.—Representative election shall be by voice.

Section

185. Relative to the qualifications of an elector.
186. The General Assembly shall provide for the registration of voters.
187. Any person who has been convicted of treason or other crimes shall not vote or hold any public office.
188. No restriction on account of color or race shall be placed on voting.
189. Electors shall be free from arrest during elections except for treason, felony or breach of the peace.
190. The General Assembly shall by law forbid the sale of spirituous liquors on election day within a certain distance of the polls.
191. The general election shall be held every four years, on the Tuesday following the third Monday in April.
192. Parochial and municipal elections in New Orleans and Shreveport shall be held on the same day as the general election.
193. For the purpose of voting, no person shall be deemed to have gained or lost a residence by his presence or absence in the service of the United States.
194. The General Assembly shall provide by law for the trial and determination of all contested elections.
195. No person shall be eligible to any office who is not a citizen of the State and a duly qualified voter of the judicial district, parish, municipality or ward wherein the functions of said office are to be exercised.—And whenever any officer may remove his residence from the State, judicial district, etc., in which he holds office, the same shall thereby be vacated.

*Impeachment and removal from Office.*  
Section

196. Relative to the impeachment of Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Attorney-General, Superintendent of Public Instruction.
197. House of Representatives shall have sole power of impeachment.—All impeachments to be tried by Senate.—Judgments.
197. In cases of impeachments to extend only to removal from office and disqualification from holding same, but shall also be liable to prosecution, trial and punishment according to law.
198. All officers against whom articles of impeachment have been preferred shall be suspended from the exercise of the functions of their office.
199. For reasonable cause, the Governor shall remove any officer on the address of two-thirds of the members of the General Assembly.—In every such case the cause shall be presented with the address and entered on the journal of each house.
200. Removal from office of judges.
201. Removal from office of sheriffs, clerks, district attorneys and other officers.—Cause for such removal.

*Revenue and Taxation.*

202. General Assembly to exercise a taxing power.
203. General Assembly to provide a system of equality and uniformity in assessments.
204. The taxing power shall be exercised only to carry on and maintain the government and all expenses pertaining to welfare and instruction of inhabitants.
205. The power to tax corporations and corporate property shall

## Section

- never be surrendered or suspended by act of General Assembly.
206. The General Assembly may levy a license tax.
207. Articles exempt from taxation.
208. General Assembly to levy an annual poll tax for support of public schools.
209. Limit of taxation.
210. Relative to forfeiture of property for non-payment of taxes.
211. How tax shall be designated and when tax is collectible.
212. The Legislature shall pass no law postponing the payment of taxes, except in cases of overflow, general conflagration, general destruction of the crops or other public calamity.
213. A tax for the maintenance of the levees will be exacted annually.
214. General Assembly to divide the State into levee districts and to provide for the election of levee commissioners and a tax to support these said commissioners.
215. The provisions of the above two articles shall cease when the Federal government shall take possession of said levees. —The Federal government is authorized to make geological, topographical, etc., surveys and investigations within the State.
216. General Assembly shall have power, with the concurrence of adjacent States, to divide the country into levee districts, partly in this State and adjacent States.
217. License of corporations domiciled out of the State.
218. All articles regulating the collection of taxes shall apply to the whole State.
- Homesteads and Exemptions.*
219. Homesteads shall be exempt from seizure and sale.

## Section

220. Relative to the registration and valuation of the homestead.—Relative to judgments against homesteads.
221. Right of owner of homestead to supplement his exemption.
222. The homestead not susceptible of mortgage.
223. Equitable laws shall be passed for the protection of creditors.
- Public Education.*
224. There shall be free public schools established by the General Assembly throughout the State.—General Assembly shall distribute a proportional amount to each parish.
225. State Superintendent of Public Instruction to be elected.—Term of office, duties and compensation.
226. The education in the public schools shall be in the English language.
227. The funds derived under the collection of the poll tax shall be applied to the maintenance of public schools.
228. No funds raised for the support of the public schools in this State shall be applied to sectarian schools.
229. What the school fund shall consist of.
230. University of Louisiana as established is recognized in its three departments.
231. General Assembly to establish in New Orleans a university for the education of persons of color, and shall make an annual appropriation for its support.
232. Women shall be allowed to vote under the school laws.—The Free school fund, Seminary fund, and Agricultural and Mechanical College fund.
233. Relative to the fund of the Agricultural and Mechanical College.



*Corporations.*

Section

- 234. Relative to the forfeiture of charters of corporations.
- 235. Corporations not to infringe on the rights of individuals.
- 236. No foreign corporation shall do business without having one or more known agents on whom process may be served.
- 237. No corporation shall engage in business other than that expressly authorized in its constitution.
- 238. No corporation shall issue stock or bonds except for work actually done.
- 239. The stock of any corporation shall not be increased except in pursuance of general laws.
- 240. The term corporation as used in this Constitution shall be construed to include all joint stock companies or associations.
- 241. Relative to bank officers receiving deposits after the bank is insolvent.
- 242. The General Assembly shall have power to enact laws authorizing parish or municipal officers to levy special taxes.
- 243. Any railroad corporation shall have the right to construct and operate a railroad in this State.—Every railroad shall have the right to intersect or cross any other railroad.
- 244. Railroads are hereby declared public highways.
- 245. Every railroad corporation doing business shall have an office for transaction of general business.
- 246. Relative to jurisdiction over corporations.
- 247. Relative to the creation of private corporations.
- 248. Relative to the police juries of the several parishes having the power to regulate the slaughter of cattle.

*Parochial Affairs and Boundaries.*

- 249. The General Assembly may

Section

- establish and organize new parishes.
- 250. All laws changing parish lines or removing parish seats before taking effect to be submitted to the electors of the parish.
- 251. The General Assembly may dissolve and merge parishes provided the electors shall vote for it.
- 252. Whenever a parish shall be enlarged and created it shall be entitled to a just proportion of the assets and liabilities

*City of New Orleans.*

- 253. The city of New Orleans shall have the power to appoint public officers necessary for the administration of police affairs.
- 254. The General Assembly shall enact such legislation as will liquidate the indebtedness of city of New Orleans.—It shall have power to cancel charter.
- 255. General Assembly to pass laws prohibiting foreign sailors working on wharves of city of New Orleans.

*Amendment and Revision of Constitution.*

- 256. If two-thirds of members of General Assembly vote for proposed amendments they shall be submitted to vote of electors of State.

*Schedule.*

- 257. The Constitution adopted in 1868 and all amendments thereto are superseded by this Constitution.
- 258. Monopoly feature of corporations abolished.
- 259. No office to be superseded by the effect of this Constitution.
- 260. Appointments to be made by the Governor.
- 261. Relative to the transfer of causes pending in courts.

## Section

262. Election of members of General Assembly. — Dissolution of General Assembly elected in 1878.—General Assembly to compile votes and declare the results of election.
263. First session of the General Assembly elected under this Constitution.
264. When officers shall enter upon discharge of their duties.

## Section

265. When terms of officers shall terminate.
266. When judicial officers shall enter upon discharge of their duties.
267. The General Assembly shall provide for the payment of convention printer.
268. Relative to parochial and municipal elections in New Orleans and Shreveport.

## MAINE.

## Preamble.

Objects of government.

## ARTICLE I.

*Declaration of Rights.*

## Section

1. Natural rights.
2. All power inherent in the people.
3. Religious freedom. Proviso. All sects equal. Religious test prohibited. Right to elect religious teachers.
4. Freedom of speech and publication. Truth may be given in evidence.
5. Unreasonable searches.
6. Rights of persons accused.
7. No person to answer to a capital or infamous crime but on indictment. Exceptions. Juries.
8. Not to be put in jeopardy twice for the same offense.
9. Sanguinary laws prohibited.
10. Ballable offenses. Habeas corpus.
11. Bills of attainder, etc., prohibited.
12. Treason.
13. Suspension of laws.
14. Corporal punishment under military law.
15. Right of petition.
16. Right to keep and bear arms.
17. Standing armies not to be kept.
18. No soldiers to be quartered on citizens in time of peace.

## Section

19. Right of redress for injuries.
20. Trial by jury.
21. Private property not to be taken without just compensation.
22. Taxes.
23. Titles of nobility prohibited. Tenure of office limited.
24. Other rights not impaired.

## ARTICLE II.

*Electors.*

1. Qualifications of electors. Written ballot. Soldiers or seamen in U. S. service. Students at colleges and academies. Residence not lost by reason of absence, in the military service of Maine or of the United States.
2. Electors exempt from arrest on election days.
3. And from military duty.
4. Time of State election. Citizens absent in temporary military service of the U. S. or of Maine may vote. Polls, where opened. Vote, how taken. Who shall act as supervisors. Supervisors shall be sworn. Their duties. Proviso. Where certain officers may vote. Supervisors shall prepare ballot boxes. Ballots, how prepared. Qualification of voters. Supervisors shall keep correct poll lists; check names of voters; sort, count

Section

and declare votes; and make return to Secretary of State's office.

ARTICLE III.

*Distribution of Powers.*

1. Powers distributed.
2. To be kept separate.

ARTICLE IV.

*Legislative Power.— House of Representatives.*

1. Legislative department. Style of acts.
2. Number of representatives fixed at one hundred and fifty-one.
3. Appointment among towns.
4. Qualifications of a representative.
5. Meetings for choice of representatives. Meetings of classed towns. Lists of votes shall be examined by Governor and council; and they shall summon persons who appear to be elected. Lists to be laid before the House of Representatives. Manner of electing representatives and other civil officers in cities.
6. Vacancies, how to be filled.
7. House shall choose its own officers.
8. Power of impeachment.

*Legislative Power.— Senate.*

1. Senate shall consist of not less than twenty, nor more than thirty-one.
2. State shall be districted once in ten years. Districts, how formed.
3. Meetings for choice of senators. Electors in unincorporated places.
4. Votes shall be examined by the Governor and council.
5. Senate shall decide as to the election of its members.
6. Qualifications of senators.
7. Senate shall try impeachments.

Section

Limitation of senate's judgment. Party is further liable to be tried and punished by the courts.

3. Senate shall choose its officers.

*Legislative Power.*

1. Legislature shall meet annually. Its powers.
2. Bills shall be signed by the Governor. Proceedings, in case he disapproves. Unsigned bills shall be returned by him within five days.
3. Each house shall judge of the elections of its members. Majority a quorum.
4. May punish and expel members.
5. Shall keep a journal. Yeas and nays, when to be entered.
6. May punish for contempt. Proviso.
7. Compensation of members. Traveling expenses.
8. Members are exempt from civil arrest. Freedom of debate.
9. Either house may originate bills. Revenue bills. Proviso.
10. Members shall not be appointed to certain offices. Statistics.
11. Persons qualified to be members.
12. Adjournments.
13. Special legislation.
14. Corporations, except for municipal purposes, shall, when practicable, be formed under general laws.
15. Constitutional conventions.

ARTICLE V.

*Executive Power.— Governor.*

1. Governor.
2. Elected for one year.
3. Meetings for choice of Governor. Votes should be returned to Secretary of State. Provision, in case there is no choice.
4. Qualifications for Governor.
5. Disqualifications.
6. Compensation.
7. Commander-in-chief of militia. Shall not march militia out of State.

Section

8. With advice of council, shall appoint officers.
9. Shall give information and recommend measures.
10. May require information of any officer.
11. Power of Governor, with consent of council, to reprieve, commute or pardon, except in cases of impeachment, and to remit penalties. Conditional pardons. Shall report to the Legislature.
12. Shall enforce the laws.
13. Governor shall convene the Legislature on extraordinary occasions, and adjourn it, if houses disagree. May change their place of meeting.
14. Vacancy, how supplied.

*Executive Power. — Council.*

1. Council shall consist of seven.
2. Councillors, how chosen. Privileged from arrest.
3. Journal of their proceedings shall be kept.
4. Persons disqualified to be councillors. Councillors shall not be appointed to any office.

*Executive Power. — Secretary.*

1. Secretary, how to be chosen.
2. Shall keep the records of the State. May appoint deputies.
3. Shall attend the Governor and Council.
4. Shall preserve the records of the Executive and Legislative departments.

*Executive Power. — Treasurer.*

1. Treasurer, how chosen. Ineligible, for more than five successive years.
2. Shall give bonds.
3. Shall not engage in trade.
4. No money shall be drawn out by warrant. Accounts of receipts and expenditures shall be published.

ARTICLE VI.

*Judicial Power.*

Section

1. Supreme judicial and other courts.
2. Compensation of the supreme justices shall not be diminished.
3. They shall give opinion, when required by either branch of the government.
4. Tenure of judicial offices.
5. Justices of the peace and notaries public.
6. Justices of the Supreme Judicial Court shall hold no other office.
7. Judges and registers of probate, their election and tenure of office. Vacancies, how filled.
8. Judges of Municipal and Police Courts, shall be appointed.

ARTICLE VII.

*Military.*

1. Military officers, how to be elected.
2. Manner of conducting elections.
3. Major-generals and adjutant-generals, how selected. Staff officers, how appointed.
4. Organization of the militia.
5. Who may be exempted from military duty.

ARTICLE VIII.

*Literature.*

1. Legislature shall require towns to support public schools. Shall endow colleges and academies. Proviso.

ARTICLE IX.

*General Provisions.*

1. Oath and subscriptions. Before whom to be taken. Proviso.
2. Offices that are incompatible with each other.
3. Commissions.
4. Elections on the first Wednesdays of January may be adjourned from day to day. Order of filling vacancies.

Section

5. Every civil officer may be removed by impeachment or address.
6. Tenure of office.
7. Valuation.
8. Real and personal estate shall be taxed according to its value.
9. Taxation.
10. Sheriffs, how elected and tenure of office.
11. Attorney-General, how to be elected. Vacancy, how filled.
12. Soldiers, who may be allowed to vote for county officers.
13. Bribery at elections.
14. Credit of State shall not be loaned. Creation of State debt, limited. Exceptions.
15. State may issue bonds in payment of municipal war debt. Basis of payment. Commission shall be appointed to determine amount due to municipalities. Loan limited to \$3,500,000.
16. Towns having four thousand inhabitants, and towns having inhabited islands, may be divided into voting districts.

ARTICLE X.

*Schedule.*

Section

1. Laws now in force, continue until repealed.
2. Constitution, how amended.
3. Constitution shall be arranged by chief justice of Supreme Judicial Court. Shall be submitted to the Legislature. Amended constitution shall be enrolled on parchment, and printed copies shall be bound with the laws. Shall be the supreme law of the State.
4. Section one, two and five of article ten, shall be omitted from printed copies. Section five remains in force.

AMENDMENTS.

Article

- XXII. Municipal indebtedness limited to five per cent of the last regular valuation.
- XXIII. Biennial elections and biennial sessions of the legislature.
- XXIV. Governor shall be elected by a plurality of the popular vote.
- XXV. Biennial terms of senators and representatives.

MARYLAND.

Article

1. Elective franchise.
2. Executive department.
3. Legislative department.
4. Judiciary department.
5. Attorney-General and State's attorney.
6. Treasury department.
7. Sundry officers.
8. Education.
9. Militia and military affairs.
10. Labor and agriculture.
11. City of Baltimore.
12. Public works.
13. New counties.
14. Amendments to the Constitution.
15. Miscellaneous.

*Declaration of Rights.*

Article

1. The government of right originates from the people.
2. The Constitution of the United States the supreme law.
3. Powers not delegated to the United States are reserved to the States.
4. The people have the sole right to regulate the internal government.
5. The people of Maryland are entitled to the common law of England.
6. The people have the right to reform bad government.
7. Elections ought to be free and frequent.

## Article

8. The legislative, executive and judicial powers of government ought to be separate and distinct.
9. Power of suspending laws derived from the Legislature.
10. Freedom of speech and debate.
11. The seat of government, Annapolis.
12. The Legislature ought to be frequently convened.
13. Every man has a right to petition the same for redress of grievances.
14. Taxes, etc., not to be levied without the consent of the Legislature.
15. Taxes may be imposed for the benefit of the community.
16. No law to inflict cruel punishment.
17. No ex post facto law ought to be made.
18. No law to attain particular persons of treason, or felony, ought to be made.
19. Justice and right to be free and speedy.
20. The trial of facts, one of the greatest securities of the people.
21. In all criminal prosecutions every man has a right to be informed of the accusation against him; to a speedy trial by an impartial jury.
22. No man need give evidence against himself.
23. Imprisonment of freemen.
24. Slavery shall not be re-established.
25. Excessive bail shall not be required.
26. Unreasonable searches and seizures not right.
27. No conviction shall work corruption of blood or forfeiture of estate.
28. Militia for defense.
29. No standing armies.
30. Military subordinate to civil power.

## Article

31. In regard to quartering soldiers in time of peace; in time of war.
32. Who to be punished by martial law.
33. Judges not to receive fees.
34. Change of departments advisable.
35. No person to hold more than one office of profit.
36. Freedom of religious thought and worship.
37. No religious test to be required for qualification for office.
38. In regard to gifts to religious sects, creeds, etc.
39. In regard to administering an oath.
40. Liberty of the press.
41. No monopolies.
42. No title of nobility, etc. to be granted in this State.
43. General education to be promoted.
44. The provisions of this Constitution and of the United States apply as well in time of peace as war.
45. This enumeration of rights not to impair others retained by the people.

## ARTICLE I.

*Elective Franchise.*

## Section

1. Elections to be by ballot.—Requirements for voting
2. Who may not vote.
3. In regard to giving or offering bribes.
4. Illegal voting to be punished.
5. Registration of voters.
6. Oath of office.
7. In regard to refusal or neglect to take the oath.

## ARTICLE II.

*Executive Department.*

1. Executive power is vested in the Governor.
2. Election of.
3. To determine who is elected.
4. In case of tie.
5. To be eligible for the office of Governor.

Section

6. In case of vacancy, how filled.
7. How to act as Governor.—He may be impeached.
8. Governor commander-in-chief.
9. He shall see that the laws are faithfully executed.
10. He is to nominate State officers, except as otherwise appointed.
11. He is to fill vacancies.
12. No person after being rejected [by the Senate shall be again nominated for the same office.
13. Time of nomination.
14. If a vacancy occur during the session of the Senate, how filled.
15. Court martial.
16. Governor may convene the Legislature.
17. All bills before becoming a law to be sent to the Governor to be signed or rejected.
18. He shall examine the accounts of the Treasurer and Comptroller twice a year.
19. His message to the Legislature.
20. He has power to grant reprieves and pardons.
21. He shall reside at the seat of government.—His salary.
22. Secretary of State, term and salary.
23. His duties.

ARTICLE III.

*Legislative Department.*

1. The Senate and House of Delegates.
2. Senators, election and term.
3. Districts.
4. Number of Delegates from each district.
5. Governor's duties in regard to Delegates.
6. Delegates to serve for two years.
7. Time of election.
8. Senators to be divided by lot.
9. To be eligible as Senator or Delegate.
10. They may not hold two offices.
11. Who may not be Senators or Delegate.

Section

12. Others who may not, till when.
13. To fill vacancies.
14. Time of meeting of General Assembly.
15. Length of session.—Pay of members and mileage.
16. Distribution of books and printed matter among General Assembly.
17. Members not eligible for any office created during their term of office.
18. Freedom of speech in debate.
19. Each house to judge of the qualifications of its own members.—To appoint its own officers.
20. A majority of the members of each house to be a quorum.
21. Doors of each house to be open, except when.
22. Each house to keep a journal.
23. May punish for disorderly conduct any person not a member.
24. Powers and duties of the House of Delegates.
25. Adjournment.
26. Power of impeachment.
27. A bill may originate in either house.
28. For a bill to become a law.
29. The style of laws of the State.
30. All bills to be signed by the Governor.
31. When laws are to take effect.
32. How money may be drawn from State treasury.
33. As to local or special laws.
34. Contracting of debts.
35. Extra compensation.
36. Lotteries not legal.
37. In regard to slaves.
38. No imprisonment for debt.
39. Banking corporations.
40. Private property taken for public use to have just compensation.
41. Dueling.
42. Purity of elections.
43. Property of wife protected from debts of husband.

## Section

44. Debtor's property to the extent of \$500 exempted.
45. Uniform system of charges.
46. Grants or donations from the United States.
47. Contested elections.
48. Corporations may be formed under general laws.
49. Time, place and manner of holding elections.
50. Bribery.
51. Personal property subject to taxation.
52. Payment of private claims.
53. Witnesses.
54. No county to give or loan its credit.
55. Writ of habeas corpus.
56. Laws to be passed for carrying into effect powers vested in this Constitution.
57. Legal interest six per cent.
58. State and municipal taxation to be provided for by law.
59. No pension system in this State.

## ARTICLE IV.

*Judiciary Department.*

1. Judicial powers of State, how vested.
2. Judges to be citizens and qualified voters.
3. Election of judges, term of.
4. Removal from office.
5. Election for judges in every fifteenth year.
6. No fees or perquisites.
7. Judge not to sit in any case wherein he may be interested.
8. Removal of case.
9. Apportionment of officers of the courts.
10. Clerks of courts, their duties.
11. Election returns of judges.
12. Ties, how settled.
13. Public commissions and grants.
14. Court of Appeals, composed of whom.
15. Four of said judges constitute a quorum.
16. Reports of causes to be published.
17. Clerk of Court of Appeals, term of office.

## Section

18. Judges of Court of Appeals, their duties.
19. State to be divided into eight judicial circuits.
20. Powers and jurisdiction of Circuit Courts.
21. Judges of the same.
22. A decision may be reserved for consideration.
23. Decisions to be rendered within two months after argument.
24. Judges' salaries.
25. Clerk of Circuit Court.—Term of office.
26. Appointment of deputies.
27. Baltimore City Courts.
28. Court of Common Pleas for city.
29. Baltimore Circuit Court has exclusive jurisdiction in equity.
30. Jurisdiction of the Criminal Court of Baltimore.
31. Supreme Bench of Baltimore.
32. Duties of the same.
33. Powers of the same.
34. Decisions in Baltimore City Court judgments to be final.
35. Three judges of the Supreme Bench a quorum.
36. Cases pending to be proceeded with.
37. Clerks of the courts of the city of Baltimore.—Salary.
38. Clerk of the Court of Common Pleas to issue marriage and other licenses.
39. Another court in Baltimore.
40. Orphans' Court.
41. Each county to have a register of wills.
42. Justices of the peace.
43. Governor to appoint to fill vacancies.
44. Sheriffs to hold office two years.
45. Appointment of coroners, clerks and notaries public.

## ARTICLE V.

*Attorney-General and State's Attorneys.*

1. Attorney-General, term of office four years.
2. Election of the same.—In case of tie.



Section

3. His duties and salary.
4. To be eligible.
5. Vacancy, how to be filled.
6. Attorney-General to be notified when the State is a party in a case.
7. The State's attorney.—Term of office.
8. Election for the same.—In case of tie.
9. His duties.
10. To be eligible to the office of.
11. In case of vacancy.
12. His authority.

ARTICLE VI.

*Treasury Department.*

1. To consist of Comptroller and Treasurer.
2. Comptroller, his duties.
3. Treasurer, his duties.
4. He is to render his accounts quarterly to the Comptroller.
5. When their term of office shall begin.
6. They may be removed from office.

ARTICLE VII.

*Sundry Offices.*

1. County commissioners.—Their number, compensation, powers and duties.
2. County surveyors.—Duties and compensation.
3. State librarian.—Salary.
4. Commissioner of the land office.—His duties and salary.
5. He is also to keep all papers, records, relics, etc., without extra compensation.
6. Wreck master, duties and pay.

ARTICLE VIII.

*Education.*

1. Public free schools.
2. Present system to remain in force.
2. School fund to be kept inviolate.

ARTICLE IX.

*Militia and Military Affairs.*

Section

1. Militia to be organized and equipped.
2. Adjutant-General.
3. Existing militia law shall expire.

ARTICLE X.

*Labor and Agriculture.*

1. Superintendent of Labor and Agriculture.
2. His qualifications.
3. His duties and salary.
4. His supervision.
5. To look after the undeveloped resources of the State.
6. To make reports to General Assembly.
7. Office of the same to continue four years.

ARTICLE XI.

*City of Baltimore.*

1. Time for election of mayor.
2. City council, to consist of two branches.
3. Time for election of first branch and the second.
4. When the regular session shall begin.
5. May not hold another office.
6. May be removed from office for neglect of duty.
7. He may not create a debt nor loan city credit.
8. What laws and ordinances are to remain in force.
9. All but section 7 of this article may be changed by General Assembly.

ARTICLE XII.

*Public Works.*

1. Board of public works.
2. The duties of the same.
3. Powers of the board.

ARTICLE XIII.

*New Counties.*

1. New counties may be organized by law.
2. Voting for new counties.

## Section

3. Inhabitants of new counties, their obligations.
4. May elect a Senator.
5. County of Wicomico.
6. Laws to be passed to carry into effect the provisions of this article.

## ARTICLE XIV.

*Amendments.*

1. Each amendment in a separate bill.
2. In regard to a convention of altering the Constitution.

## ARTICLE XV.

*Miscellaneous.*

1. To return account of receipts and expenses.

## Section

2. Existing courts to continue.
3. State and military officers are to continue their offices till superseded.
4. Tie a cause for new election.
5. Jury to be judges of the law as well as of fact.
6. Right of trial by jury.
7. Time for holding general elections.
8. Duty of sheriffs in regard to elections.
9. Term of office to commence, when.
10. How an officer may qualify.—Vote on the Constitution.

## MASSACHUSETTS.

## Chapter

1. Declaration of rights.  
Frame of government.  
Legislative power.  
Senate.  
House of Representatives.
2. Governor.  
Lieutenant-Governor.  
Council.  
Manner of settling elections.  
Secretary, Treasurer, Commissary, etc.
3. Judiciary power.
4. Delegates to Congress.
5. The University.  
The encouragement of literature.
6. Oaths.  
Articles of amendment.

## CHAPTER I.

1. Preamble.

## PART 1.

*Declaration of Rights.*

1. Equality and natural rights of man.
2. Right and duty of public religious worship.—Protection therein.
3. Legislature empowered to compel provisions for public wor-

ship and enjoin attendance thereon.

4. Right of self-government secured.
5. Accountability of all officers, etc.
6. Service rendered to the public being the only title peculiar to privileges.—Hereditary offices are absurd and unnatural.
7. Objects of government.—The right of the people to institute and change it.
8. Right of the people to secure rotation in office.
9. All having the qualifications prescribed, equally eligible to office.
10. Right of protection and duty of contribution correlative.
11. Remedies by recourse to the law, to be free, complete and prompt.
12. Prosecutions regulated.
13. Crimes to be proved in the vicinity.
14. To be secure from unreasonable searches and seizures.

15. Right of trial by jury.
16. Liberty of the press.
17. Right to keep and bear arms.  
— Standing armies dangerous.  
— Military power subordinate to civil power.
18. Moral qualifications for office.—  
Moral obligations of law-givers and magistrates.
19. The people have the right to assemble in a peaceable manner to consult for common good.
20. Power to suspend the laws or their execution.
21. Freedom of debate, etc., and reason thereof.
22. Frequent sessions and objects thereof.
23. Taxation founded on consent.
24. Ex post facto laws prohibited.
25. Legislature not to convict of treason, etc.
26. Excessive bail or fines, and cruel punishment prohibited.
27. No soldiers to be quartered in any house, unless, etc.
28. Citizens exempt from law martial, unless, etc.
29. Judges of Supreme Judicial Court.— Tenure of their office.  
— Salaries.
30. Separation of executive, judicial and legislative departments.

PART 2.

1. Title of the body politic.

Section 1.

*Legislative Power.*

1. Legislative department.
2. Governor's veto.— Bill may be passed by two-thirds of each house notwithstanding.
3. General Court may constitute judicatories.
4. General Court may enact laws, etc., not repugnant to the Constitution.— May provide for the election or appointment of officers, and may prescribe their duties.— May impose taxes.

Section 2.

*Senate.*

1. Senate, number of, and by whom elected.— County shall be districts until, etc.
2. Manner and time of choosing Senators and councillors.— Selectmen to preside at town meetings.
3. Governor and council to examine and count votes and issue summonses.
4. Senate to be final judge of elections, etc., of its own members.
5. Qualifications of a Senator.— Property qualifications abolished.
6. Senate not to adjourn more than two days.
7. Shall choose its officers and establish its rules.
8. Shall try all impeachments.— Oath.— Limitation of sentence.
9. Not less than sixteen members of the Senate shall constitute a quorum for doing business.

Section 3.

*House of Representatives.*

1. Representation of the people.
2. Representatives. — By whom chosen.— Proviso as to towns having less than one hundred and fifty ratable polls.
3. Qualifications of a Representative.— Property qualifications abolished.
4. Qualifications of a voter.
5. Representatives, when chosen.
6. House alone can impeach.
7. House originates all money bills.
8. Not to adjourn more than two days.
9. Not less than sixty members of the House of Representatives shall constitute a quorum for doing business.
10. To judge of returns, etc., of its own members; to choose its officers and establish its rules.— Privilege of members from arrest.

11. Senate.— Governor and council may punish.— Trial may be by committee or otherwise.

## CHAPTER II.

### Section 1.

#### *Governor.*

1. Governor.
2. To be chosen annually.
3. By whom chosen, if he have a majority of votes.— In case of tie.
4. Power of Governor, and of Governor and council.
5. May adjourn or prorogue the General Court upon request, and convene the same.
6. Governor and council may adjourn the General Court in cases, etc., but not exceeding ninety days.
7. Governor to be commander-in-chief of State military forces.
8. Governor may pardon.
9. Judicial officers, etc., how nominated and appointed.
10. Militia officers, how elected, how commissioned. — Major-generals, how appointed and commissioned.
11. Money, how drawn from the treasury.
12. All public boards to make quarterly returns.
13. Salary of Governor.

### Section 2.

#### *Lieutenant-Governor.*

1. Lieutenant-Governor, his qualifications.— How chosen.
2. President of council.
3. Lieutenant-Governor to be acting Governor, when.

### Section 3.

#### *Council, Manner of Settling Elections.*

1. Number of councillors changed to eight.
2. From whom and how chosen.— When Senators become councillors their seats are vacated.
3. Rank of councillors.
4. No district to have more than two.

5. The register of council.
6. When the council is to exercise the power of Governor.
7. Elections may be adjourned.

### Section 4.

#### *Secretary, Treasury, Commissary.*

1. Secretary, by whom and how chosen. — Treasurer ineligible for more than five successive years.
2. Secretary to keep records. — To attend Governor and council.

## CHAPTER III.

### *Judiciary Power.*

1. Tenure of all commissioned officers to be expressed.— Judicial officers to hold office during good behavior.
2. Justices of the Supreme Court, to give opinions when required.
3. Justices of the peace.— Tenure of office.
4. Provisions for holding Probate Courts.
5. Marriage, divorce and alimony.

## CHAPTER IV.

### *Delegates to Congress.*

1. Delegates to Congress.

## CHAPTER V.

### Section 1.

#### *The University.*

1. Harvard College.— Powers and privileges of the president and fellows confirmed.
2. All gifts, grants, etc., confirmed.
3. Who shall be overseers.

### Section 2.

#### *The Encouragement of Literature.*

1. Duty of Legislatures and magistrates in all future periods.

## CHAPTER VI.

1. Oaths, etc.— Declaration and oaths of all officers.— Oath of office, how administered.
2. Plurality of offices prohibited to Governor.— Bribery, etc., to disqualify.
3. Value of money ascertained.

4. Provisions respecting commissions.
5. Provisions respecting writs.
6. Continuation of former laws.
7. Benefit of habeas corpus secured, except, etc.
8. The enacting style.
9. Officers of former government continued.
10. Provision for revising the Constitution.
11. Provision for preserving and publishing this Constitution.
16. Eight councillors to be chosen by the people, etc.
17. Election of Secretary, Treasurer, Auditor and Attorney-General by the people.—Vacancies, how filled.
18. School moneys not to be applied to sectarian schools.
19. Legislature to prescribe for the election of sheriffs.—Registers of Probate Court, etc.
20. Reading Constitution in English and writing, necessary qualifications of voters.

ARTICLES OF AMENDMENT.

1. Bill, etc., not approved within five days not to become a law, if Legislature adjourned in the meantime.
2. General Court empowered to charter cities.
3. Qualification of voters for Governor, Lieutenant-Governor, Senators and Representatives.
4. Notaries public.—How appointed and removed.
5. Who may vote for captains and subalterns.
6. Oath to be taken by all officers.
7. Tests abolished.
8. Incompatibility of offices.
9. Amendments to Constitution, how made.
10. Commencement and termination of political year.
11. Religious freedom established.
12. Census of ratable polls to be taken every ten years.—Towns having less than three hundred ratable polls, how represented, etc.
13. Census of inhabitants to be taken in 1840 and every ten years thereafter.—House of Representatives, how apportioned, etc.
14. Elections by the people to be by plurality of votes.
15. Time of annual election of Governor and Legislature.
21. Census of legal voters and inhabitants, when taken.—House of Representatives to consist of two hundred and forty members, etc.
22. Voters to be basis of apportionment of Senators.—Senate to consist of forty members, etc.
23. Two years' residence required of naturalized citizens to entitle to suffrage or to make eligible to office.
24. Vacancies in the Senate.
25. Vacancies in the Council.
26. Twenty-third article of amendments annulled.
27. Provisions of article 2, chapter 6, relating to officers of Harvard College, annulled.
28. Superseded by article 31.
29. Voting precincts, in towns.
30. Voters not disqualified by change of residence until six months from time of removal.
31. Amendments, article 28 amended.
32. Provisions of amendments, article 3, relative to payment of a tax, as a voting qualification, annulled.
33. Quorum in each branch of the General Court, to consist of a majority of members.
34. Provisions of article 2, section 1, chapter 2, part 2, relative to the property qualification of Governor annulled.

## MICHIGAN.

## ARTICLE I.

## Section

1. Territorial jurisdiction.

## ARTICLE II.

1. The seat of government shall be at Lansing.

## ARTICLE III.

1. Departments of government shall be the legislative, executive and judicial.
2. Limitation of power, etc.

## ARTICLE IV.

1. The legislative power is vested in the Senate and House of Representatives.
2. The Senate shall consist of thirty-two members.
3. The House of Representatives.—Representative districts.
4. The Legislature shall provide a law for the enumeration of the inhabitants.—Apportionment of Senators and Representatives.
5. Members must be citizens.
6. Certain officers eligible.
7. Privileges of members.
8. Majority to constitute a quorum.
9. Powers of each house.
10. Each house to keep a journal.
11. In all elections the vote shall be viva voce.
12. Doors to be open.—Adjournments.
13. Bills may originate in either house.
14. Bills and resolutions to be presented to the Governor.—Proceedings when Governor disapproves bill—How vote determined—Bills to become law if not returned in ten days.—May be signed in five days after adjournment.
15. Compensation of members.—Of members from Upper Peninsula.—When in extra session.—Mileage, stationery, laws, journals, documents.

## Section

16. In regard to postage.
17. Compensation of the president and speaker.
18. No member to receive civil appointment or to be interested in contract with the State, etc.
19. Bills, etc., to be read three times.—Ayes and nays on final passage.
20. No law shall embrace more than one subject.—When to take effect.
21. Extra compensation forbidden.
22. Fuel, stationery, printing, etc., to be let by contract.
23. Sale of real estate, vacating roads, etc.
24. Chaplain for State prison, etc.
25. Altering or amending laws, etc.
26. Divorces shall not be granted by the Legislature.
27. Lotteries illegal.
28. Introduction of bills.
29. Contested elections.
30. Ineligibility of certain persons.
31. The Legislature shall not audit or allow any private claim or account.
32. Hour of adjournment.
33. The Legislature shall meet at the seat of government.
34. Elections of Senators and Representatives.
35. State paper.—Compensation for publishing laws.
36. Publication of statutes and decisions.
37. In regard to vacancies.
38. Legal legislation.
39. In regard to religious liberty.
40. Appropriations for religious purposes forbidden.
41. Rights of opinion.
42. Liberty of speech and press.
43. The Legislature shall not pass any bill of attainder or ex post facto law.

# INDEX.

ci

## Section

44. In regard to the writ of habeas corpus.
45. Bills appropriating money.
46. The right of trial by jury.
47. The style of the laws shall be.

## ARTICLE V.

1. The executive power is vested in the Governor.
2. Eligibility of persons for Governor.
3. In regard to the election of Governor and Lieutenant-Governor.
4. The Governor shall be commander-in-chief of the military and the naval forces.
5. He shall transact all necessary business with officers of the government.
6. He shall see that the laws are faithfully executed.
7. He may convene the Legislature on extraordinary occasions.
8. In regard to the Governor's messages.
9. When sessions may be held elsewhere.
10. He shall issue writs of election to fill vacancies.
11. He shall have the power to grant pardons and reprieves.—In regard to cases of treason.
12. In case of vacancy, absence, etc.
13. Who to act as Governor.
14. The Lieutenant-Governor shall be president of the Senate.
15. Eligibility of certain persons.
16. No person elected to the office of Governor or Lieutenant-Governor shall hold any other office.
17. In regard to the compensation of the President of the Senate when performing the duties of Governor.
18. There shall be a State seal, which shall be kept by the Secretary of State.
19. Commissions, how issued.

## Section

## ARTICLE VI.

1. The judicial power is vested in one Supreme Court.
2. Supreme Court.—Classification and term of office.
3. The Supreme Court shall have a general superintending control over all inferior courts.
4. Four terms of the Supreme Court shall be held annually.
5. Rules of the Supreme Court, etc.—Master in chancery prohibited.
6. The State shall be divided into judicial circuits.
7. Alteration of circuits, etc.
8. Jurisdiction of the Circuit Court.
9. Salary of judges, etc.
10. The Supreme Court may appoint a reporter of its decisions.—May fill certain vacancies.
11. Terms of court.—Judges may hold court for each other.
12. In regard to clerks of Circuit Courts.
13. Courts of Probate.—Jurisdiction, etc.
14. Vacancies.—How filled.
15. Courts of record.
16. Circuit Court commissioners.
17. Justices of the Peace.—How elected, etc.
18. Civil jurisdiction of justices.
19. The judges of the Supreme Court, Circuit judges and justices of the peace shall be conservators of the peace.
20. Election of Circuit judges.
21. Election of judges of Probate.
22. What deemed vacancy.
23. The Legislature may establish courts of conciliation.
24. Suitors may appear by attorney or in person.
25. Libels.—Truth may be given in evidence.
26. Security of person, property, etc. Search warrants.
27. Right of trial by jury.
28. Accused to have speedy trial, etc.

Section

29. No trial after acquittal upon merits.
30. Treason against the State defined.
31. Excessive bail or fines shall not be required.
32. Testimony of person against himself.
33. No person shall be imprisoned for debt.
34. Competency of witnesses.
35. Style of process.

ARTICLE VII.

1. Qualifications of electors.—Proviso.
2. All votes to be by ballot.
3. Privilege from arrest.
4. No person shall be obliged to do military duty on the day of election, except during time of war.
5. Residence of electors.
6. Laws shall be passed to preserve the purity of elections.
7. Soldiers, etc., not residents.
8. Duelling disqualifies for office.

ARTICLE VIII.

1. Officers to be elected at each general biennial election.—Where to keep their offices.
2. Their term of office.
3. The Governor shall have power to fill any vacancy which may occur in any State office.
4. Who shall constitute the board of State auditors.
5. In case of a tie Legislature to make choice.

ARTICLE IX.

1. In regard to the salaries of the State officers.

ARTICLE X.

1. Counties to be bodies corporate.
2. Number of townships in county.
3. County officers.
4. What officer at county seat.
5. Sheriff to hold no other office.—

Section

- To give security.—County not responsible.
6. Board of Supervisors.
7. Cities to be represented in board.
8. County seats.—How removed.
9. The Board of Supervisors may borrow money for constructing highways, bridges, etc.
10. Claims against counties, etc.
11. The Board of Supervisors of each county may provide for the laying out of highways, etc.

ARTICLE XI.

1. Township officers.
2. Each organized township shall be a body corporate.

ARTICLE XII.

1. The House of Representatives shall have the sole power of impeachment.
2. How tried.—Conviction and judgment.
3. Who to prosecute.—When to be tried.
4. No judicial officer shall exercise his office after impeachment is directed until he is acquitted.
5. Vacancy by suspension, etc.
6. For reasonable cause, which shall not be sufficient ground for the impeachment of a judge, the Governor shall remove him.
7. Removal of certain officers.
8. Removal of certain State officers.

ARTICLE XIII.

1. The Superintendent of Public Instruction shall have the general supervision of public instruction.
2. In regard to the school fund.
3. All lands the title of which shall fail from a defect of heirs shall escheat to the State.
4. In regard to free schools.—Instruction to be in English language.



Section

5. Time school must be maintained.
6. Election of Regents of the University.—Board of Regents.
7. To be a body corporate.—Name.
8. President of university.—Supervision of university.
9. Board of education.—Superintendent of Public Instruction to be a member.
10. Institutions for the benefit of the blind, deaf and dumb and the insane shall be supported.
11. Agricultural school.—Appropriation of land for same.—May be made a branch of university.
12. Town libraries.

ARTICLE XIV.

1. In regard to specific charge.—Tax for State expenses.
2. The Legislature shall provide by law a sinking fund.
3. State may contract debts, etc.
4. To repel invasions, etc.
5. No money shall be paid out of the treasury except by appropriation.
6. The credit of the State shall not be granted.
7. Issue of scrip.
8. The State shall not subscribe to or be interested in any corporation.
9. The State shall not be a party to or be interested in any work of internal improvement, except.
10. The State may continue to collect all specific taxes.
11. There shall be a uniform rate of taxation, except.
12. All assessments hereafter authorized shall be on property at its face value.
13. The Legislature shall provide for an equalization by a State board.
14. Laws imposing taxes.

ARTICLE XV.

1. How corporations may be formed.—Legislature may create single bank.

Section

2. Banking law to be voted on.
3. Liability of stockholders, etc.
4. Registry of bills or notes.—Security required.
5. Bill-holders entitled to preference.
6. Suspension of specie payments.
7. In regard to liability.
8. Amending acts of corporation, etc.
9. Property, how taken.
10. Terms of corporations.
11. Construction of the term corporation.—Right to sue and be sued.
12. Limitation of time for holding real estate.
13. In regard to the organization of cities and villages, etc.
14. In regard to the election of judicial officers.
15. Private property.—How taken.
16. Notice for charter.

ARTICLE XVI.

1. Personal property.
2. In regard to homesteads.
3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of his debts.
4. In regard to disposition of homestead when not owned by widow.
5. Estates of females.

ARTICLE XVII.

1. Militia, of whom composed.
2. The Legislature shall provide by law for organizing and equipping a militia.
3. The officers shall be elected by appointment and commissioned in such manner as may be provided by law.

ARTICLE XVIII.

1. Enumeration of those who shall take the oath of office.
2. Private property for public use.
3. No mechanical trade shall be hereafter taught to convicts

**Section**

in the State prison of this State.

4. In regard to navigable streams.
5. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.
6. Laws, etc., to be in English.
7. Every person has a right to bear arms for the defense of himself and the State.
8. The military to be subordinate to the civil power.
9. Quartering of soldiers.
10. The people have the right to assemble together peacefully to consult for the common good.
11. Slavery shall be prohibited in this State.
12. In regard to leases.
13. Aliens may hold property.
14. Private property.—Private roads.
15. Revision of laws.—Commissioners to examine.

**ARTICLE XIX.**

1. Upper Peninsula.—See schedule, sec. 26.
2. The district judge shall be elected by the electors of such district.
3. In regard to the district attorney.
4. Senators and Representatives.
5. Compensation of judges, etc.—See Constitution, article 4, section 15.
6. Election.—When to take place.
7. In regard to mining taxes.
8. The location of the State prison.
9. Mining companies.—Charters may be modified by the Legislature.

**ARTICLE XIXa.**

1. Railroad fares and freights.—Discrimination prohibited.
2. Competing lines not to consolidate.—Notice of consolidation.

**ARTICLE XX.**

1. Amendments to Constitution may be proposed by the Senate or House of Representatives.
2. Revision of the Constitution.

**SCHEDULE.**

**Section**

1. The common and statute laws now in force shall remain in force until they are repealed or amended.
2. Continuance of writs, actions, etc.
3. In regard to fines, etc.
4. Recognizances, etc.
5. Governor and Lieutenant-Governor.
6. In regard to officers to hold over.
7. Senators and Representatives shall continue to hold office until superseded by their successors.
8. County officers to hold over.
9. Terms of certain officer.
10. Jurisdiction of suits, etc.
11. Jurisdiction of Probate Courts, etc.
12. The office of State printer.
13. It shall be the duty of the Legislature at their first session to adopt the present laws to the provisions of this Constitution, as far as may be.
15. Any territory attached to any county for judicial purposes, if not otherwise represented, shall be considered as forming a part of such county.
16. Constitution to be submitted to the people.—Qualification of electors.
17. Any person entitled to vote for members of the Legislature, etc.
18. At the general election a ballot box shall be kept.
19. In regard to the canvass of the votes cast for the adoption or rejection of this Constitution.
20. In regard to salaries.
21. Expenditures of the convention.
22. Representative districts.
23. Cases pending in chancery.
24. Term of office of Governor, etc.
25. Upper Peninsula.
26. District judge and district attorney.
27. Legislature of 1851.—Its duties.
28. Terms of State and county officers.
29. Judicial circuits, Const., Art. 6, Sec. 7.

# MINNESOTA.

## Article

1. Bill of rights.
2. On name and boundaries.
3. Distribution of the powers of government.
4. Legislative department.
5. Executive department.
6. Judiciary.
7. Elective franchise.
8. School funds, education and science.
9. Finance of the State and banks and banking.
10. Corporations having no banking privileges.
11. Counties and townships.
12. Of the militia.
13. Impeachment and removal from office.
14. Amendments to the Constitution.
15. Miscellaneous subjects.

## SCHEDULE.

Amendment to section 10, article 9 of the Constitution.  
Preamble.

## ARTICLE I.

### *Bill of Rights*

## Section

1. All political power is inherent in the people.
2. There shall be neither slavery nor involuntary servitude in the State, except for the punishment of crime.
3. Liberty of the press.
4. Right of trial by jury.
5. Excessive bail and excessive fines prohibited, nor shall cruel punishments be inflicted.
6. In criminal prosecutions, rights of the accused.
7. No person shall be held to answer for a criminal offense unless on the presentment or indictment of a grand jury.
8. Justice to be free and without purchase.

## Section

9. Treason against the State defined.
10. Unreasonable searches and seizures prohibited.
11. No bill of attainder, ex post facto law or any law impairing the obligation of contracts.
12. No person to be imprisoned for debt in this State.
13. Private property taken for public use to have just compensation.
14. The military shall be subordinate to the civil power.—No standing army.
15. Feudal tenures.—Leases and grants of agricultural lands not longer than twenty-one years.
16. The enumeration of rights in this Constitution shall not impair others retained by the people.
17. No religious tests for holding office or for voting.

## ARTICLE II.

### *On Name of Boundaries.*

1. The name and boundaries of the State.
2. Jurisdiction of the State on the Mississippi and other rivers.
3. In regard to forming a Constitution and State government.

## ARTICLE III.

### *Distribution of the Powers of Government.*

1. The powers of the government shall be divided into legislative, executive and judicial.

## ARTICLE IV.

### *Legislative Department.*

1. Legislature shall consist of the Senate and House of Representatives.

## Section

2. One Senator for every five thousand inhabitants; one Representative for every two thousand.
3. Each house shall be judge of the election and eligibility of its own members; the majority of each to constitute a quorum.
4. Two-thirds may expel a member.
5. Each house to elect its own officers.—Each house to keep a journal.
6. May not adjourn for more than three days.
7. Compensation, etc., of members of the Legislature.
8. To be privileged from arrest.
9. No Senator or Representative shall hold other office, exceptions.
10. All bills for raising money shall originate in the House of Representatives.
11. Every bill shall be signed by the Governor, etc.
12. No money shall be appropriated except by bill.
13. Style of the laws shall be.
14. House of Representatives shall have sole power of impeachment.
15. Bribery and perjury a bar to office.
16. Two or more members of either house may protest, etc.
17. The Governor may fill vacancies which occur in either house.
18. Disorderly or contemptuous conduct may be punished.
19. Doors of each house shall be open, except.
20. Every bill to be read on three different days.
21. What is to be done with bills after passing both houses.
22. No bill shall be passed by either house upon the day of adjournment.
23. Census to be taken every tenth year.

## Section

24. Choosing of Senators.
25. Senators and Representatives to be qualified electors.
26. Election of United States Senators.
27. No bill shall embrace more than one subject.
28. Divorces shall not be granted by the Legislature.
29. Members of both houses to take the oath or affirmation.
30. In all elections by the Legislature members shall vote viva voce.
31. Lotteries prohibited.
32. In regard to railroads.—In regard to lands donated to the State.
33. The Legislature is prohibited from enacting special or private laws in the following cases.
34. General laws to be uniform in their operation.
35. Combinations to influence the market for food products declared a criminal conspiracy.

## ARTICLE V.

*Executive Department*

1. To consist of Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer and Attorney-General.
2. Election of the same.
3. Term of office of Governor and Lieutenant-Governor.
4. Governor's message.—His powers and duties.—He shall take care that the laws are faithfully executed.
5. Terms of office of other State officers.
6. Lieutenant-Governor president of senate, his compensation, etc.
7. Terms of office of other State officers.
8. Each officer created in this article, before entering on his duties, shall take the oath to support the Constitution.
9. Laws shall be passed at the first session of the Legisla-

Section

ture after the State is admitted to the Union to carry into effect the provisions of this article.

ARTICLE VI.

*Judiciary.*

1. The judicial power of the State shall be vested in Supreme Court, District Courts, Probate Courts, etc.
2. The Supreme Court.—Its jurisdiction and terms.
3. Election of judges.
4. The State shall be divided into judicial districts.
5. Jurisdiction of District Courts.
6. The judges of Supreme and District Courts.—Their compensation.
7. Probate Courts.—Jurisdiction of.
8. Justices of the peace.—Jurisdiction of.
9. Other judges.
10. In case of vacancy, how filled.
11. Judges may not hold two offices.
12. Judicial districts may be changed.
13. Clerk of District Court.
14. In legal pleadings the style of process.
15. Court commissioner.

ARTICLE VII.

*Elective Franchise.*

1. Qualifications for voters.
2. Treason or felony debars from voting, unless.
3. For the purpose of voting no person shall lose residence by reason of absence while in service of the United States.
4. Soldiers, etc., of the United States not residents of this State.
5. During election day voters privileged from arrest.
6. Elections to be by ballot.
7. Electors shall be eligible to office.
8. Women may vote for school officers.
9. The official year of the State

Section

shall commence on the first Monday in January.

ARTICLE VIII.

*School Fund, Education and Science.*

1. The Legislature shall establish a uniform system of public schools.
2. The proceeds of such lands granted by the United States, to be used for public schools.
3. Legislature shall make such provision by taxation, etc.
4. The University of Minnesota.
5. The permanent school fund of the State may be loaned upon interest at five per cent.

ARTICLE IX.

*Finances of the State, Banks and Banking.*

1. All taxes to be raised by the State shall be as nearly equal as may be.
2. The Legislature shall provide for an annual tax sufficient to defray the expenses of the State.
3. Laws shall be made taxing all moneys, etc.
4. Laws shall be passed for taxing notes, bills, etc.
5. For defraying extraordinary expenditures the State may contract a public debt not to exceed \$250,000.
6. In regard to contracting debts.
7. What debts may be contracted in time of war.
8. The money arising from any loan shall be applied to the objects specified.
9. No money to be paid out of the treasury except by appropriation.
10. The State shall never give or loan its credit.
11. A detailed statement of money drawn from the treasury to be published.
12. Safe keeping of school funds, etc.

Section

13. The Legislature may pass a general banking law.
14. Hospitals for the insane, blind, etc.
15. The Legislature shall not authorize any county, township or city to issue bonds.

ARTICLE X.

*Corporations Having no Banking Privileges.*

1. Corporations defined.
2. They shall not be formed under special acts.
3. Each stockholder in a corporation shall be liable for the amount of stock owned.
4. Lands taken for a public way shall have a fair compensation.

ARTICLE XI.

*Counties and Townships.*

1. New counties may be organized.
2. When a city may be organized into a separate county.
3. Municipal and other towns may be organized.
4. Election of county and town officers.
5. County and township powers of local taxation.
6. How money may be drawn from county or township treasury.
7. The county of Manomen is abolished.

ARTICLE XII.

*The Militia.*

1. Be organized, disciplined and equipped.

ARTICLE XIII.

*Impeachment and Removal from Office.*

1. What officers may be impeached.
2. Removal of inferior officers.
3. Not to exercise duties of office after impeachment.
4. Lieutenant-Governor not to act as a member of the court in trying Governor for impeachment.

ARTICLE XIV.

*Amendments to Constitution.*

Section

1. The Constitution may be amended.
2. It may be revised.

ARTICLE XV.

*Miscellaneous Subjects.*

1. The seat of government of the State to be the city of St. Paul.
2. Those residing on Indian lands.
3. The uniform oath or affirmation.
4. Seal of State.
5. The Territorial prison to be one of the State prisons.

SCHEDULE.

1. To avoid inconvenience arising from a change from Territorial to State government.
2. Territorial laws not repugnant to this Constitution shall remain in force.
3. All fines accruing to the Territory shall accrue to the State.
4. Other changes from Territory to State.
5. All Territorial officers, civil and military, shall continue to hold office, etc.
6. First session of the Legislature of Minnesota.
7. Election laws shall continue in force.
8. Disposal of this Constitution.
9. For the purposes of the first election.
10. For the purposes of the first election of the members of the Senate and the House of Representatives.
11. In regard to certain counties.
12. Apportionment of Senators and Representatives at the first election.
13. The returns of the Twenty-second district.
14. State shall be divided into the following judicial districts.

## INDEX.

cix

### Section

15. Which may elect one prosecuting attorney.
16. Time of a certain election.
17. Those who may vote at the same.
18. In voting for and against the adoption of this Constitution.
19. At said election the polls shall be open, etc.

### Section

20. The duty of judges and clerks of election.
  21. The returns of said election for and against this Constitution.
  22. What is to take place if the Constitution is not accepted.
- Amendment to section 10, article 9 of this Constitution.

## MISSISSIPPI.

### Article

1. Distribution of powers.
  2. Boundaries of the State.
  3. Bill of rights.
  4. Legislative department.
  5. Executive.
  6. Judiciary.
  7. Corporations.
  8. Education.
  9. Militia.
  10. The Penitentiary and Prisons.
  11. Levees.
  12. Franchise.
  13. Apportionment.
  14. General provisions.
  15. Amendments.
- Schedule.

#### ARTICLE I.

##### *Distribution of Powers.*

### Section

1. Shall be divided into three distinct departments, the Legislative, Judicial and the Executive.
2. They shall not exercise the duties of each other's departments.

#### ARTICLE II.

##### *Boundaries of the State.*

3. The boundaries of the State.
4. The Legislature shall have the power to take additional territory for the State.

#### ARTICLE III.

##### *Bill of Rights.*

5. All political power vested in the people.

### Section

6. The people have the inherent right to regulate the internal government.
7. The State is inseparable from the Union.
8. Those who are citizens of this State.
9. The military shall be subordinate to the civil power.
10. Treason against the State defined.
11. The people have the right to assemble peaceably to consult for the common good.
12. The right to bear arms.
13. Freedom of speech and of the press.
14. No person shall be deprived of life, liberty or property except by due process of law.
15. There shall be neither slavery nor involuntary servitude except as a punishment for crime.
16. No ex post facto law to be passed.
17. Private property shall not be taken for public use without just compensation.
18. No religious test as a qualification for office shall be required.
19. Duelling prohibited.
20. The term of all officers will be for some specified period.
21. The writ of habeas corpus shall not be suspended.
22. No person shall be put in jeopardy twice for the same offense.

## Section

- 23. Unreasonable seizures and searches prohibited.
- 24. All courts shall be open and right and justice administered without sale or delay.
- 25. The right to defend in any civil court.
- 26. Excessive bail shall not be required.
- 27. How a person shall be proceeded against.
- 28. Cruel punishment shall not be inflicted nor excessive fines imposed.
- 29. Excessive bail shall not be required.
- 30. No imprisonment for debt.
- 31. The right of trial by jury.
- 32. The enumeration of rights in this Constitution not to impair others retained by the people.

## ARTICLE IV.

*Legislative Department.*

- 33. The power of the same is vested in the Legislature.
- 34. Members of the Legislature chosen every four years.
- 35. Senators the same.
- 36. The first regular session of the Legislature, when to be.
- 37. Elections for members to be held in the counties and districts provided by law.
- 38. Each house shall elect its own officers and judge of the qualifications of its members.
- 39. The Senate shall choose a president pro tempore.
- 40. Members of the Legislature shall take the following oath.
- 41. To be eligible for member of the house.
- 42. To be eligible to be a Senator.
- 43. No person liable as principal for public moneys unaccounted for shall be eligible to a seat in either house.
- 44. Bribery, perjury, etc., debar from office.
- 45. Members of the Legislature not eligible for any other office, etc.
- 46. The pay of the same.

## Section

- 47. They may not take fees or rewards.
- 48. In certain cases they are privileged from arrest.
- 49. The House of Representatives shall have the sole power of impeachment.
- 50. Those liable to impeachment.
- 51. Judgment in such cases not to extend further than removal from office.
- 52. The Chief Justice to preside when the Governor is tried.
- 53. Judges of the Supreme Court may be removed from office.
- 54. The majority of each house to constitute a quorum.
- 55. Each house to determine the rules of its own proceedings.
- 56. The style of the laws shall be.
- 57. Neither house shall adjourn for more than three days.
- 58. Sessions to be open except in certain cases.
- 59. Bills may originate in either house.
- 60. No law shall pass except by bill.
- 61. No law shall be revised or amended by reference to its title only.
- 62. How bills shall be voted for in the Legislature.
- 63. Appropriation bills to fix a definite sum to be drawn from the treasury.
- 64. Appropriation bills passed after adoption of this Constitution shall not remain in force for more than six months.
- 65. In regard to the final passage of a measure.
- 66. In regard to granting a donation or gratuity.
- 67. New bills not to be introduced during the last three days of the session.
- 68. Appropriation and revenue bills shall have precedence.
- 69. General appropriation bills shall contain, etc.
- 70. Revenue bills, etc., to become a law must have at least a three-fifths vote of the members of each house.



Section

71. Every bill shall have a title.
72. Every bill to be signed by the Governor.
73. The Governor may veto, etc.
74. No bill shall become a law until referred to a committee of each house.
75. No general law shall be enforced within sixty days after its passage.
76. Voting by the Legislature shall be viva voce.
77. The Governor shall issue writs of elections to fill vacancies.
78. In regard to the reduction of salaries of public officers.
79. Delinquent tax lands to be sold.
80. Laws shall be passed to prevent the abuse by cities, towns, etc., of their powers of assessment and taxation.
81. The Legislature shall not authorize the permanent obstruction of any of the navigable waters of the State.
82. In regard to bonds and security.
83. Laws shall be enacted to secure the safety of persons from fire in hotels and other public buildings.
84. Non-resident aliens not to hold land in the State.
85. In regard to public roads being worked by county prisoners.
86. Care of the insane.
87. No special or local laws shall be enacted for the benefit of individuals or corporations.
88. General laws shall be passed under which local and private interests shall be provided for.
89. There shall be appointed in each house a standing committee on local and private legislation.
90. Local or private laws shall not be passed in any of the following cases.
91. County laws shall be uniform.
92. The Legislature shall not authorize payment to any person of the salary of a deceased of-

Section

- ficer beyond the date of his death.
93. It shall not retire any officer on part pay.
94. No laws to distinguish between the rights of men and women to acquire property.
95. State lands not to be donated directly or indirectly to corporations or private individuals.
96. Extra compensation not to be granted to any officer, agent, etc.
97. The Legislature shall have no power to revive any remedy which may have become barred by lapse of time.
98. Lotteries not allowed.
99. The Legislature shall elect certain officers.
100. Obligations and liabilities of persons, corporations, etc., shall not be released.
101. The seat of government.
102. When general elections shall be held.
103. In cases not provided for in the Constitution the Legislature may determine the mode of filling vacancies.
104. The statutes of limitations in civil causes shall not run against the State.
105. A census to be taken every ten years.
106. State librarian.—His duties and compensation.—Office may be filled by a woman.
107. In regard to stationery, printing, etc.
108. The salary of the officer to cease with his office.
109. No legislator or public officer may be interested in any contract with the State.
110. Private roads to be provided for.
111. In regard to the sale of lands in pursuance of a decree of the court.
112. Taxation shall be uniform and equal throughout the State.
113. The statement of money expended during a session shall be published by the auditor.

## Section

- 114. Returns of elections to be made to the Secretary of State.
- 115. When the fiscal year shall begin.

## ARTICLE V.

*Executive.*

- 116. The executive power of the State is vested in the Governor.
- 117. Qualifications for Governor.
- 118. His salary.
- 119. He shall be commander-in-chief of militia.
- 120. He may require information from the officers of executive department.
- 121. He may on extraordinary occasions convene the Legislature.
- 122. The Governor's message.
- 123. He shall see that the laws are faithfully executed.
- 124. He may grant reprieves and pardons.
- 125. His powers.
- 126. There shall be a seal kept by the State.
- 127. Commissions in the name of the State.
- 128. The Lieutenant-Governor.
- 129. He shall, by virtue of his office, be president of the Senate, and give the casting vote.
- 130. His compensation.
- 131. When he shall discharge the duties of Governor.
- 132. In the case of contested elections.
- 133. The Secretary of State.—Requirements, term of office and duties.
- 134. The State Treasurer and Auditor.—Their election, qualifications, term of office.
- 135. Sheriff, coroner, treasurer and other county officers.—How elected and term of office.
- 136. They shall hold their office during the term for which they were elected unless removed.
- 137. The duties of the State Treasurer in regard to public money.
- 138. The sheriff, coroner, etc., shall be selected in a manner provided for by law in each county.

## Section

- 139. Legislature may empower the Governor to remove and appoint officers.
- 140. The manner of choosing the Governor.
- 141. In case of tie, how settled.
- 142. Members of the Legislature may not hold any other office.
- 143. Election of other State officers shall be the same as that of Governor.

## ARTICLE VI.

*Judiciary.*

- 144. The judicial power of the State, how vested.
- 145. The Supreme Court shall consist of three judges.—Two shall form a quorum.
- 146. The jurisdiction of the same.
- 147. In regard to judgments and decrees from the Chancery and Circuit Court.
- 148. There shall be two terms each year.
- 149. Judges shall hold office nine years.
- 150. Eligibility to office.
- 151. Vacancies, how filled.
- 152. The State shall be divided into Circuit and Chancery districts.
- 153. Judges of Circuit and Chancery Courts appointed by the Governor.
- 154. To be eligible to such judgeship.
- 155. Judges to take the following oath or affirmation.
- 156. The Circuit Court.—Its jurisdiction.
- 157. Causes that may be brought in the Circuit Court whereof the Chancery Court has exclusive jurisdiction shall be transferred to the latter.
- 158. A Circuit Court to be held in each county at least twice in each year.
- 159. The jurisdiction of the Chancery Court.
- 160. In regard to additional jurisdiction heretofore exercised in the Chancery Court.

Section

161. The Chancery Court shall have jurisdiction concurrent with the Circuit Court.
162. Causes that may be brought in the Chancery Court whereof the Circuit Court has exclusive jurisdiction shall be transferred to the latter.
163. In regard to the transfer of cases.
164. The Chancery Court shall be held in each county at least twice a year.
165. No judge shall preside in any cause wherein he is interested.
166. Compensation of judges of the Supreme and Circuit Court and the chancellors.
167. All civil officers shall be conservators of the peace.
168. Election of the clerk of the Supreme Court and of other courts.
169. The style of process shall be.
170. Each county shall be divided into five districts and a board of supervisors shall be chosen.
171. Justices of the Peace.—Their jurisdiction.
172. Inferior courts may be established by the Legislature.
173. The Attorney-General.—His term of office, duties and compensation.
174. The District Attorney.—His term of office, duties and compensation.
175. All public officers, for neglect of duty, etc., may be removed from office.
176. To be eligible to be a member of the board of supervisors.
177. Vacancies occurring during the recess of the Senate may be filled by the Governor.

ARTICLE VII.

*Corporations.*

178. Corporations shall be formed under general laws.
179. The Legislature shall never remit the forfeiture of the franchise of any corporation, etc.

Section

180. All existing charters under which organization has not taken place at the adoption of this Constitution or within one year of the same shall be void.
181. The property of private corporations shall be taxed.
182. The power to tax the same shall never be surrendered.
183. No subdivision of the State shall become a subscriber to the capital stock of any corporation.
184. Railroads shall be public highways and railroad companies common carriers.
185. The rolling stock belonging to any railroad company shall be considered personal property.
186. Laws shall be passed to prevent abuses and extortion by public companies.
187. Railroads must establish a depot.
188. Free passes to State officers forbidden.
189. All charters granted to private corporations to be recorded in the Chancery Clerk's office.
190. The right of eminent domain shall never be abridged.
191. Employees of corporations shall be protected.
192. The encouragement of manufactures and other public enterprises.
193. Employees of railroads shall have the same right and remedy for injury as allowed to other persons not employees.
194. The right of stockholders to vote in company elections.
195. Express, telegraph, telephone and sleeping car companies are declared common carriers.
196. No corporations shall issue bonds except for stock, for money or labor done.
197. In regard to foreign corporations.
198. The Legislature shall enact laws to prevent trusts and combinations.

Section

- 199. The term corporation defined.
- 200. The Legislature shall enforce the provisions of this article.

ARTICLE VIII.

*Education.*

- 201. A uniform system of free public schools to be maintained.
- 202. There shall be a Superintendent of Public Education.
- 203. The Board of Education to consist of whom.
- 204. There shall be a superintendent of public education in each county.
- 205. A public school shall be maintained in each school district.
- 206. The common school fund.—To consist of what.
- 207. Separate schools shall be maintained for the children of the white and colored races.
- 208. No religious sect shall ever have control of school or educational funds.
- 209. Institutions for the deaf, dumb and blind shall be maintained.
- 210. No public officer shall be interested in the sale of text books, etc.
- 211. In regard to the lands of the Choctaw purchase.
- 212. In regard to the Chickasaw school fund.
- 213. In regard to certain agricultural and mechanical colleges of this State.

ARTICLE IX.

*Militia.*

- 214. Militia may be composed of whom.
- 215. It shall be organized, equipped and disciplined.
- 216. All except non-commissioned officers shall be appointed by the Governor.
- 217. The Governor shall be commander-in-chief.
- 218. Generals to be nominated and commissioned.
- 219. The Adjutant-General and other staff officers.

Section

- 220. The militia shall be exempt from arrest, etc.
- 221. An annual appropriation to be made for the support of the Mississippi National Guard.
- 222. The Board of Supervisors of each county may aid in supporting a military company of the said guard.

ARTICLE X.

*Penitentiary and Prisons.*

- 223. No penitentiary convicts shall ever be leased or hired.
- 224. Convicts may be employed on State work.
- 225. They may be placed on a State farm and work thereon.
- 226. Convicts sentenced through the county jail shall not be hired or leased, etc.

ARTICLE XI.

*Levees.*

- 227. A levee system shall be maintained in the State.
- 228. The division of alluvial lands made by the State is hereby recognized.
- 229. There shall be a Board of Levee Commissioners.
- 230. They shall be qualified voters.
- 231. The Governor shall fill vacancies for the same.
- 232. The duties of said commissioners.
- 233. They appropriate private property.
- 234. In regard to the changing of boundaries of districts or affecting taxation.
- 235. Each levee board at the end of the fiscal year shall report to the Governor.
- 236. A uniform tax to be imposed for levee purposes.
- 237. The Legislature shall have full power to provide for a system of taxation for levees as shall seem necessary.
- 238. Property which may not be taxed for such purpose.

**Section**

239. The levee boards are to publish at each session of the Legislature an itemized account, etc.

**ARTICLE XII.**

*Franchise.*

240. All elections by the people shall be by ballot.  
 241. To be eligible for a voter.  
 242. Legislature shall provide by law for the registration of all persons intending to vote.  
 243. A uniform poll tax of two dollars, to be used for the common school.  
 244. Electors must be able to read in addition to the other requirements.  
 245. Electors in municipal elections shall possess all the qualifications herein prescribed.  
 246. How elections are to be regulated.  
 247. Laws should be enacted to secure fairness in primary elections.  
 248. Illegal or improper registration to be corrected by law.  
 249. No one shall be allowed to vote for members of the Legislature, etc., who is not duly registered.  
 250. Qualified electors alone eligible to office.  
 251. Electors shall not be registered within four months next before election.  
 252. Term of office of elective officers under this Constitution.  
 253. The right of suffrage may be restored.

**ARTICLE XIII.**

*Apportionment.*

254. The number of Representatives shall be one hundred and thirty-three.  
 252. The number of Senators shall be forty-five.  
 256. A new apportionment may be made after each census.

**ARTICLE XIV.**

*General Provisions.*

**Section**

257. The political year of the State shall commence on the first Monday of January of each year.  
 258. The credit of the State shall not be pledged or loaned.  
 259. No county seat shall be removed, unless, etc.  
 260. In regard to forming new counties.  
 261. The expenses of criminal prosecutions (except) shall be borne by the county.  
 262. The Board of Supervisors shall provide homes, asylums, etc.  
 263. The marriage of a white person with a negro or mulatto is unlawful.  
 264. Requirements to be a grand or petit juror.  
 265. No person denying the existence of God shall hold office in this State.  
 266. Those who may not hold office under the State.  
 267. All officers to devote their time to the performance of their duties.  
 268. All officers to take the following oath.  
 269. In regard to bequests of land, etc., in favor of religious and other associations.  
 270. Further regulations in regard to the same.  
 271. The Legislature may provide for the consolidation of existing counties.  
 272. In regard to pensions.

**ARTICLE XV.**

*Amendments to the Constitution.*

273. In regard to amending the Constitution.

*Schedule.*

274. The laws of this State now in force not repugnant to this Constitution shall remain in force.

Section

275. All laws of this State which are repugnant to the following portions of this Constitution shall be repealed.
276. All laws repugnant to the provisions of sections 240 to 253, inclusive, shall remain in force until the first day of January, 1891.
277. All laws repugnant to sections 254 to 256, inclusive, shall remain in force until the first of October, 1891.
278. The Governor shall appoint three commissioners to prepare and draft such laws as are contemplated.
279. All writs, actions, causes for action, etc., shall continue.
280. For the trial of suits, both civil and criminal, begun before the adoption of this Constitution,

Section

- the courts of this State shall continue to exercise in said suits the power and jurisdiction heretofore exercised by them.
281. All fines, penalties, etc., shall remain the same.
282. Bonds, obligations, etc., executed before the Constitution was adopted shall remain valid.
283. Crimes and misdemeanors shall be punished as though no change had taken place.
284. All officers of the State and subdivisions thereof shall be entitled to hold their office as now held by them.
285. The adoption of this Constitution shall not have the effect to revive or put in force any law heretofore repealed.

MISSOURI.

Article

1. Boundaries.
  2. Bill of rights.
  3. Distribution of powers.
  4. Legislative department.
  5. Executive.
  6. Judicial.
  7. Impeachments.
  8. Suffrage and elections.
  9. Counties, cities and towns.
  10. Revenue and taxation.
  11. Education.
  12. Corporations.
  13. Militia.
  14. Miscellaneous provisions.
  15. Mode of amending the Constitution.
- Schedule.

PREAMBLE.

Constitution established.

ARTICLE I.

*Boundaries.*

Section

1. Boundaries of the State—jurisdiction.

ARTICLE II.

*Bill of Rights.*

Section

1. Origin of political power.
2. Right to regulate internal affairs, and to abolish existing form of government.
3. Missouri a free and independent State—right of local self-government.
4. The object of constitutional government.
5. Religious liberty and freedom of conscience guaranteed.
6. Religious worship.
7. No aid or preference given to churches.
8. Religious corporations established under a general law, may hold certain real estate.
9. Elections to be free and open.
10. Courts shall be open to every person.
11. Security from searches and seizures.

**Section**

12. Criminal prosecutions to be by indictment or information.
13. Treason defined.—Corruption of blood.
14. Freedom of speech allowed—truth of publication may be given in evidence.
15. Ex post facto laws, and laws making irrevocable grants of special privileges, forbidden.
16. No imprisonment for debt, except, when.
17. Right to keep and bear arms.
18. Officers must devote their time to the duties of their offices.
19. Collectors and receivers, not eligible to office, when.
20. Private property taken for private use—for public use.
21. Private property taken for public use—compensation.
22. Criminal prosecutions, right of accused.
23. No self-crimination, nor twice in jeopardy.
24. Bail allowed, when.
25. Excessive bail and fines, and cruel punishments, forbidden.
26. Writ of habeas corpus shall not be suspended.
27. Military subject to civil power.
28. Trial by jury—grand jury to consist of twelve men.
29. Right of petition and remonstrance guaranteed.
30. Due process of law.
31. Slavery and involuntary servitude forbidden.
32. Reservation of rights.

**ARTICLE III.**

*The Distribution of Powers.*

1. Powers divided into three departments.

**ARTICLE IV.**

*Legislative Department.*

1. Vested in general assembly.

*Representation and Apportionment.*

2. Time of electing representatives—ratio of apportionment.

**Section**

3. Division of counties into representative districts.
  4. Qualifications of representatives.
  5. Thirty-four senators—senatorial districts.
  6. Qualifications of senators—division of counties into senatorial districts.
  7. Rule of apportionment for senators and representatives—to be revised and adjusted on the basis of the United States census.
  8. Number of representatives, how distributed.
  9. Districts may be altered.
  10. First election of senators and representatives.
  11. The present senatorial districts.
  12. Senators and representatives cannot hold another office—certain officers not eligible.
  13. Removal of residence vacates office.
  14. Writs of election to fill vacancies.
  15. Oath of office, refusal to take, penalty for violation of.
  16. Pay of members and expenses of committees.
  17. Organization—punishment of disorderly members and other persons.
  18. Quorum—compelling attendance of absent members.
  19. Doors to be open.
  20. Time of meeting.
  21. Adjournment for more than three days.
  22. Adjournment for three days or less.
  23. Adjournment without consent or to another place.
- Legislative Proceedings.*
24. Style of laws.
  25. Laws to be passed by bill—amendments.
  26. Bills, where to originate—amendments to be read on three different days.
  27. Bills to be reported upon and printed.

## Section

28. Bills to contain but one subject.
29. Amendments to be engrossed and printed.
30. Proceedings when bills are returned amended.
31. Final vote on bill.
32. Vote on amendments and reports of committees.
33. Reviving and re-enacting laws.
34. Amendments by striking out and inserting words.
35. Motion to reconsider.
36. When laws shall take effect.
37. Bills to be signed by presiding officers, objections to be disposed of.
38. Bills presented to governor for approval.
39. Proceedings when a bill is returned without approval.
40. Failure of governor to perform duty, bill to be enrolled as an authentic act.
41. Revising the laws.
42. Each house shall publish a journal—yeas and nays demanded, noting names of absentees.

*Limitation on Legislative Power.*

43. Revenue to be paid into treasury—order of appropriations.
44. Power of the legislature to create debts and liabilities limited.
45. State's credit cannot be pledged.
46. Grants of public money prohibited, except in case of public calamity.
47. Municipalities cannot lend their credit nor become stockholders.
48. Extra allowance to officers and payment of unauthorized contracts prohibited.
49. Subscriptions by the State prohibited.
50. State lien on railroads not to be released.
51. Corporation indebtedness shall not be released.
52. Payment of the war debt.

## Section

53. Special legislation prohibited—special acts may be repealed.
54. Notice of application for the enactment of local laws.
55. Business of extra sessions.
56. Seat of government to remain at Jefferson City.

## ARTICLE V.

*Executive Department.*

1. Executive officers, place of residence and duties.
2. Terms of office—when elected—certain officers ineligible as their own successors.
3. Returns of elections for executive officers—the, how determined.
4. The supreme executive power.
5. Qualifications of governor.
6. Duties of governor, generally.
7. Governor may call out militia and command them.
8. Pardoning power.
9. Governor shall give information to general assembly—may call extra sessions.
10. Governor's message—to account for moneys and furnish estimates of expenses.
11. Vacancies in office, how filled.
12. Bills presented to governor for approval.
13. Governor may object to a portion of a bill.
14. Resolutions to be approved—effect of resolutions.
15. Qualifications and duties of lieutenant-governor.
16. Lieutenant-governor to act as governor, when.
17. President of the senate—other persons to act as governor.
18. Pay of lieutenant-governor.
19. Qualifications of executive officers.
20. Seal of the State to be kept by secretary of state.
21. Duties of secretary of state.
22. Accounts and reports of executive officers, penalty for false report.
23. Commissions of officers.



**Section**

24. Pay of executive officers—fees to be paid into State treasury.
25. Contested elections of executive officers.

**ARTICLE VI.**

*Judicial Department.*

1. Judicial power, where vested.
2. Jurisdiction of supreme court.
3. Superintending control of supreme court—power to issue writs.
4. Term of office of judges—chief justice.
5. Quorum, number of judges, their duties.
6. Qualifications of judges supreme court.
7. Full term of judges to commence, when.
8. Term of present judges, elections to fill their places.
9. Time and place of holding supreme court.
10. Accommodations for supreme court.
11. Judges divided in opinion.
12. St. Louis court of appeals, jurisdiction of—appeals to supreme court.
13. Judges of court of appeals, their number, election, qualifications and pay.
14. Duties of judges—quorum—terms of court.
15. Opinions and practice in court of appeals.
16. Election of judges—terms of office—presiding judge.
17. Appointment of judges by the governor.
18. Clerk of court of appeals.
19. Cases in supreme court to be certified to court of appeals.
20. Cases triable within what time.
21. Records of supreme court at St. Louis and St. Joseph.
22. Jurisdiction and terms of circuit court.
23. Superintending control of circuit courts.
24. Judicial circuits—may be changed, etc.—one judge to each.

**Section**

25. Election, terms of office and duties of circuit judges.
26. Qualifications of circuit judges.
27. Circuit court of St. Louis county—appellate jurisdiction of court of appeals.
28. Provisions for additional judges.
29. When judge of neighboring circuit may preside.
30. Election of judges—ties and contested elections.
31. Criminal courts.
32. Vacancy in office of judge.
33. Salaries of judges, not to be increased or diminished.
34. Probate courts, jurisdiction of.
35. Jurisdiction—practice—clerks of probate courts.
36. County courts, jurisdiction and judges of.
37. Justices of the peace.
38. Writs and prosecutions in name of State—conclusion of indictments.
39. Clerks of courts.
40. Election of clerks, ties and contests.
41. Removal of judges for disability.
42. Provision as to existing courts.
43. Publication of judicial decisions.
44. May be published by any person.

**ARTICLE VII.**

*Impeachments.*

1. Who liable, and for what causes.
2. Trial of impeachments, punishment.

**ARTICLE VIII.**

*Suffrage and Elections.*

1. Time of holding elections.
2. Qualifications of voters.
3. Mode of conducting elections.
4. Voters privileged from arrest.
5. Registration of voters.
6. Elections by persons in representative capacity.

Section.

7. Gaining or losing residence.
8. Paupers and criminals disqualified.
9. Contested elections generally.
10. Persons convicted of crime.
11. United States soldiers not to vote.
12. Aliens, etc., cannot hold office.

ARTICLE IX.

*Counties, Cities and Towns.*

1. Existing counties recognized.
2. Removal of county seats.
3. New counties—counties cannot be reduced below the ratio of representation.
4. Portion of county stricken off and added to another.
5. Liability of new counties.
6. Becoming stockholders, etc., prohibited—provision as to existing subscriptions.
7. Organization and classification of cities and towns.
8. Township organization—justices of county court.
9. Abandoning township organization.
10. Sheriffs and coroners.
11. Vacancy in office of sheriff and coroner.
12. Fees of county officers.
13. Fees of officers generally—quarterly returns.
14. Provisions for extra officials.
15. Consolidation of city and county governments.
16. Charters of large cities, how framed and adopted.
17. Certain features of such charters.
18. No person can hold two offices, when.
19. Excess of municipal indebtedness, how paid.

*St. Louis.*

20. May extend her limits and adopt a charter.
21. Authentication of charter, judicial notice of.
22. Amendment of charter.
23. Certain special provisions.

Section

24. Courts of St. Louis county—Eighth judicial circuit.
25. St. Louis remains subject to general law.

ARTICLE X.

*Revenue and Taxation.*

1. The taxing power.
2. Power to tax corporations.
3. Taxes to be collected for public purposes and to be uniform.
4. Property to be taxed in proportion to value.
5. Taxing railroads.
6. Exemptions.
7. Other exemptions void.
8. Rate for State purposes.
9. Municipalities liable for State taxes.
10. Taxes for municipal purposes.
11. Rate and valuation for municipal purposes.
12. Limitation on municipal indebtedness.
13. Private property cannot be sold for municipal debts.
14. Ordinance of 1865—payment of bonded debt.
15. State funds to be deposited in bank.
16. Treasurer's accounts, quarterly statements.
17. Speculation in public funds prohibited.
18. State board of equalization.
19. Appropriations generally—statement of receipts and expenditures.
20. Moneys arising from loans, how applied.
21. Dues from corporations on their capital stock.

ARTICLE XI.

*Education.*

1. Free schools for persons between ages of six and twenty years.
2. Custody of school fund—certain districts not entitled to any portion of funds.
3. Schools for colored children.

Section

4. Board of education.
5. State university.
6. Public school fund.
7. Deficiency in public school fund.
8. County school fund.
9. Investment of public school fund.
10. Investment of county school fund.
11. Funds shall not be used for religious or sectarian purposes.

ARTICLE XII.

*Corporations.*

1. Existing unorganized corporations.
2. To be created, etc., by general laws.
3. Forfeited charters.
4. Right of eminent domain — jury trials.
5. Subject to police power of the State.
6. Election of directors.
7. Not to engage in other business — holding real estate.
8. Increase of stock and indebtedness.
9. Individual liability of stockholders.
10. Preferred stock.
11. "Corporation" defined.

*Railroads.*

12. Discrimination prohibited — commutation tickets.
13. Construction, connecting with other roads — to receive freight from other roads.
14. Are public highways — laws to prevent discrimination.
15. To keep a public office and books — meetings and reports of directors.
16. Property liable to execution.
17. Parallel lines should not consolidate nor be managed jointly.
18. Consolidation with foreign companies.

Section

19. Laws in favor of, and imposing a new liability on the people.
20. Street railroads.
21. Benefit of future legislation.
22. Officers not to be interested in business of company.
23. Discrimination between companies and individuals.
24. Granting free passes to public officers prohibited.

*Banks.*

25. No State bank shall be created — State shall not own stock in banks.
26. Laws creating banks to be submitted to the people.
27. Receiving deposits after bank is insolvent.

ARTICLE XIII.

*Militia.*

1. Persons liable to military duty.
2. Organization of militia.
3. Election of officers.
4. Volunteer companies.
5. Militia privileged from arrest.
6. Appointment of officers by the governor.
7. Public arms and military records.

ARTICLE XIV.

*Miscellaneous Provisions.*

1. Public lands — lands of the United States exempt from taxation — taxing non-residents.
2. Prosecutions for acts done under military authority forbidden.
3. Dueling — the offender cannot hold office.
4. Officers of the United States not eligible to State office.
5. Present officers to remain in office.
6. Oath of office generally.
7. Removal for misdemeanor in office.
8. Fees not to be increased nor term of office extended.

Section

9. Appointment of officers.
10. Lotteries prohibited.
11. Investigation by grand jury.
12. Legislators privileged from arrest — freedom of debate.

ARTICLE XV.

*Mode of Amending the Constitution.*

1. Constitution may be amended.
2. Amendments proposed and submitted to the people.
3. Convention may be called.

SCHEDULE.

1. Provision as to existing laws, rights and actions.
2. Provisions as to existing obligations, prosecutions, etc.
3. Existing county and probate courts.
4. Criminal courts.

Section

5. Courts of common pleas.
6. Existing officers to continue.
7. Appeals returnable to Jefferson City.
8. Provision for payment of bonded debt.
9. Constitution to be submitted to a vote of the people.
10. Clerks to furnish poll-books and ballots.
11. Form of ballots.
12. Returns of election—proclamation by governor.
13. Result of election—constitution to take effect, when.
14. Schedule to take effect immediately.
15. Laws to enforce constitution.
16. Provision as to existing executive officers.
17. Preliminary examinations and arrests.

MONTANA.

Article.

1. Boundaries.
2. Military reservations.
3. Declaration of rights.
4. Distribution of powers.
5. Legislative department.
6. Apportionment and representation.
7. Executive department.
8. Judicial department.
9. Rights of suffrage and qualifications to hold office.
10. State institutions and public buildings.
11. Education.
12. Revenue and taxation.
13. Public indebtedness.
14. Military affairs.
15. Corporations other than municipal.
16. Municipal corporations and officers.
17. Public lands.
18. Labor.
19. Miscellaneous subjects and future amendments.
20. Schedule.

ARTICLE I.

*Boundaries.*

Section

1. The boundaries of the State.

ARTICLE II.

*Military Preservation.*

1. United States has authority over certain military reservations.

ARTICLE III.

*Declaration of Rights.*

1. All political power is vested in the people.
2. People have the sole and exclusive right of governing themselves.
3. All persons are born equally free and have certain inalienable rights.
4. Freedom of religious thought and worship.
5. All elections to be free.
6. All courts of justice shall be open to every person; right

Section

- and justice shall be administered without sale or delay.
7. Unreasonable searches and seizures prohibited.
8. All criminal actions in the District Court, except those on appeal, shall be prosecuted by information after examination and commitment by a magistrate.
9. Treason against the State defined.
10. Freedom of speech. In suits for libel truth may be given in evidence.
11. No ex post facto law or law impairing the obligation of contracts shall be passed.
12. No persons shall be imprisoned for debt.
13. The right to bear arms.
14. Private property taken for public use shall have just compensation.
15. In regard to the use of water.
16. In all criminal prosecutions the accused shall have the right to defend in person and by council.
17. Witnesses not to be unnecessarily detained.
18. No persons put in jeopardy twice for the same offense.
19. All persons shall be bailable, except for capital offenses.
20. Excessive bail or excessive fines shall not be required nor cruel punishments inflicted.
21. The writ of habeas corpus.
22. The military subordinate to the civil power.
23. The right of trial by jury shall remain inviolate.
24. Laws for the punishment of crime founded on principles of reformation and prevention.
25. Resident aliens shall have the same right as citizens to acquire and purchase property, etc.

Section

26. The people have the right to assemble peaceably for the common good.
27. No person shall be deprived of life, liberty or property without due process of law.
28. Slavery or involuntary servitude prohibited, except as punishment for crime.
29. The provisions of this Constitution are mandatory and prohibitory.
30. The enumeration of rights in this Constitution shall not impair other rights held by the people.
31. No armed body of men shall be brought into this State for the suppression of domestic violence, except.

ARTICLE IV.

*Distribution of Power.*

1. Shall be vested in the Legislative, executive and judicial.

ARTICLE V.

*Legislative Department.*

1. Vested in the Senate and House of Representatives.
2. Senators elected for four years, Representatives for two years.
3. To be eligible for a member of the Legislature.
4. To consist of sixteen Senators and fifty-five Representatives. —The State shall be divided into Senatorial and Representative districts.
5. Compensation of members of the Legislative Assembly.—Sessions shall not exceed sixty days.
6. The time for beginning the sessions.
7. No Senator or Representative shall be appointed to any civil office.
8. No member shall have an increase of salary or mileage during his term.

## Section

9. President of the Senate and Speaker of the House to be elected.—Each house shall be judge of the elections and qualifications of its members.
10. Majority of each house shall constitute a quorum.
11. The powers of each house.
12. Each house shall keep a journal of its proceedings.
13. The sessions of each house shall be open, unless.
14. They may not adjourn for more than three days.
15. To be privileged from arrest.—When.
16. The sole power of impeachment shall vest in the House of Representatives.
17. Certain State officers liable to impeachment.
18. All officers not liable to impeachment shall be removed.
19. No law shall be passed except by bill.
20. The enacting clause of every law.
21. No bill for the appropriation of money, except the expenses of the government, shall be introduced within ten days of the closing of the session, except.
22. No bills shall be considered or become a law unless referred to a committee, returned therefrom and printed for the use of the members.
23. No bill to contain more than one subject.
24. No bill shall become a law except by a vote of the majority of each house.
25. No law shall be revised or amended, etc., or the provisions thereof extended by reference to its title only.
26. The Legislative Assembly shall not pass local or special laws, as in the following enumerated cases.
27. The presiding officer of each

## Section

- house shall sign bills and joint resolutions.
28. The number, duties and compensation of the officers and employes of each house shall be prescribed by law.
29. In regard to extra compensation to public officers, servants, employes, etc.
30. In regard to stationery, printing, etc.
31. Except as otherwise provided in this Constitution, no laws shall extend the term of any public officer or increase or diminish his salary.
32. All bills for raising revenue shall originate in the House of Representatives.
33. The general appropriation bills shall embrace nothing but appropriations.
34. No money shall be paid out of the treasury except an appropriation made by law.
35. No appropriations for educational or charitable purposes unless under absolute control of the State.
36. No private corporation or association shall have the power to interfere with any municipal improvement, etc.
37. In regard to the investment of trust funds.
38. The State may not contract any debt in the construction of any railroad.
39. In regard to the liability or obligation of any person, association or corporation held or owned in the State.
40. All orders, resolutions or votes shall be presented to the Governor before it shall take effect.
41. In regard to any member of the Legislative Assembly promising to give his influence or vote for or against a measure.
42. In regard to bribing State officers.

Section

43. Corrupt solicitation.
44. A member who has a personal or private interest in any measure or bill shall not vote thereon.
45. When a vacancy occurs in either house the Governor shall issue writs of election to fill the same.

ARTICLE VI.

*Apportionment and Representation.*

1. One Representative-at-large to be elected to Congress.
2. A census shall be taken in 1895, and every tenth year thereafter.—The apportionment for Representatives shall be revised after each census.
3. Representative districts may be altered from time to time.
4. When new counties are created, they shall be entitled to one Senator.
5. The Senatorial districts of the State are as follows.
6. The present apportionment of Representatives.

ARTICLE VII.

*Executive Department.*

1. To consist of whom.
2. Their election.—In case of tie how decided.
3. To be eligible to the offices of Governor, Lieutenant-Governor, or Superintendent of Public Instruction, etc.
4. Compensation for the same.
5. The supreme executive power vested in Governor, who shall see that the laws are faithfully executed.
6. The Governor shall be commander-in-chief of the military forces of the State.
7. The Governor to nominate and, with the consent of the Senate, to appoint all officers, etc.
8. A State Examiner.—His duties, compensation.
9. The Governor shall have power

Section

- to grant pardons, reprieves, etc.
10. The Governor may require information from the officers of the executive department, etc.
11. He may, on extraordinary occasions, convene the Legislature.
12. Every bill passed by the Legislature, before it shall become a law, shall be signed by the Governor.
13. The Governor shall have the power to disapprove of any item.
14. When the Lieutenant-Governor has to fill the office of Governor.
15. Lieutenant-Governor shall be President of the Senate.
16. When the President of the Senate pro tempore is to act as Governor.
17. Seal of State, shall be kept by the Secretary of State.
18. All grants and commissions shall be in the name and by the authority of the State.
19. All moneys received and disbursed by State officers shall be accounted for.
20. Board of State Prison Commissioners.—To consist of whom.

ARTICLE VIII.

*Judicial Departments.*

1. The judicial power of the State shall be vested in the Senate.
2. A Supreme Court, except as otherwise provided, shall have appellate jurisdiction only.
3. It shall extend to all cases at law and in equity.—Its powers.
4. At least three terms in the Supreme Court shall be held each year at the seat of government.
5. The Supreme Court shall consist of three justices.
6. How they shall be elected.
7. Their terms of office.

## Section

8. Particulars in regard to election of judges of the Supreme Court.
9. Clerk of the Supreme Court, his term of office and election.
10. To be eligible to the office of justice of the Supreme Court.
11. The District Court shall have original jurisdiction, etc.
12. The State shall be divided into judicial districts, in each of which there shall be elected one judge of the District Court.
13. Until otherwise provided by law, the judicial districts of the State shall be as follows.
14. The Legislative Assembly may increase or decrease the number of judges in any judicial district.
15. Writs of error and appeal from the District Courts to the Supreme Court.
16. To be eligible to the office of judge of District Court.
17. District Court shall always be open except on legal holidays and non-judicial days.
18. There shall be a clerk of the District Court in each county.
19. Each county to have a county attorney, his qualifications, etc.
20. Justices of the peace, their election and term of office.
21. Their jurisdiction.
22. Justice Courts shall always be open except on legal holidays and non-judicial days.
23. Appeals shall be allowed from Justice Courts in all cases.
24. The Legislative Assembly shall have power to create such Police and Municipal Courts as may be deemed necessary.
25. The Supreme and District Courts shall be Courts of Record.
26. All laws relating to courts shall be general and of uniform operation.

## Section

27. The style of process shall be.
28. There shall be but one form of civil action.
29. The pay of justices of the Supreme Court and judges of the District Court.
30. No justice of the Supreme Court or judge of the District Court shall receive any perquisites, etc., except the salary provided by law.
31. No justice or clerk of the Supreme Court, nor judge or clerk of any District Court shall practice law.
32. Opinions and decisions of the Supreme Court may be published.
33. All officers provided for in this article shall reside, during the term of their office, in the district, etc., from which they were elected or appointed.
34. Vacancies in Supreme and District Courts to be filled by appointment of the Governor.
35. Judges of the Supreme and District Courts shall hold no other public office.
36. A civil action in a District Court may be tried by a judge pro tempore, etc.
37. Any judicial officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office.

## ARTICLE IX.

*Rights of Suffrage and Qualifications to Hold Office.*

1. All elections by the people shall be by ballot.
2. Qualifications required to vote.
3. For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the State or the United States.



Section

4. Electors privileged from arrest.
5. No elector obliged to perform military duty, etc.
6. No soldier, or seaman or marine in the army or navy of the United States shall be deemed a resident, etc.
7. No person shall be elected or appointed to any office in this State who is not a citizen of the United States, etc.
8. Those who may not vote.
9. Legislature shall have the power to secure purity of elections.
10. Women may hold office and vote in school districts.
11. Those qualified to vote shall be eligible to any office in the State, except as otherwise provided.
12. Questions submitted to the vote of the taxpayers of the State or any political division thereof, women who are taxpayers, etc., shall have the right to vote.
13. A person receiving the highest number of legal votes shall be declared elected.

ARTICLE X.

*State Institutions, Public Buildings.*

1. They shall be supported by the State, as prescribed by law.
2. The location of the seat of government.
3. When the seat of government shall have been located it shall not be changed except by a two-thirds vote of all the electors of the State.
4. In regard to appropriations for capitol buildings, etc.
5. The counties shall provide for those in need of aid.

ARTICLE XI.

*Education.*

1. A uniform system of free public schools.

Section

2. Public school fund of the State and school lands.
3. Such public school funds shall forever remain inviolate.
4. State Board of Land Commissioners, to consist of whom.
5. The interest on invested school funds, etc., shall be apportioned to the several school districts of the State.
6. Additional money to be raised by the Legislature by taxation.
7. The free schools open to all children and youths between the ages of six and twenty-one.
8. No money to be granted by the State for any sectarian purpose.
9. No religious or partisan test shall be required for admission to any public educational institution.
10. All elections of school officers to be separate from those of the State.
11. State Board of Education has general supervision.
12. The funds of the State University and all other State institutions of learning shall forever remain inviolate.

ARTICLE XII.

*Revenue and Taxation.*

1. Necessary revenue for the support of the State shall be provided for by the Legislature.
2. Enumeration of what property is to remain exempt from taxation.
3. All mines and mining claims of gold, silver or other valuable mineral deposits have to purchase thereof from the United States, shall be taxed at the price paid the United States therefor.
4. The Legislature shall not levy taxes upon inhabitants or

## Section

- property in any county, city, town, etc.
5. Taxes for city, town and school purposes may be levied, but the assessed valuation of such property taxed shall not exceed the valuation for State and county purposes.
  6. No city, county, town, etc., shall be released from its proportionate share of State taxes.
  7. The power of tax corporations shall never be relinquished.
  8. The corporate debts of public corporations shall be provided for by law.
  9. The rate of taxation on real and personal property.
  10. No money shall be drawn from the treasury except by appropriation made by law.
  11. Taxes shall be uniform upon the same class of subjects.
  12. No appropriations shall be made or expenditures authorized whereby the expenditures of the State shall exceed the total tax.
  13. The Treasurer shall keep a separate account of each fund in his hands, and shall make a quarterly report to the Governor.
  14. The making of profit out of public moneys shall be deemed a felony.
  15. The Board of Equalization for State and county.
  16. Property shall be assessed in the manner prescribed by law, except if otherwise provided for.
  17. The word "property" defined.
  18. The Legislature shall pass all laws necessary to carry out the provisions of this article.

## ARTICLE XIII.

*Public Indebtedness.*

1. The State or any of its subdivisions shall not give or loan its credit.

## Section

2. In regard to the power of the Legislature to create debt, and the limit thereof.
3. In regard to borrowed money and the purpose for which it shall be used.
4. The State shall not assume the debts of any of its subdivisions.
5. In regard to the powers of a county to create a debt.
6. The same of cities, towns, township or school districts.

## ARTICLE XIV.

*Military Affairs.*

1. The militia, to consist of whom.
2. They shall be organized, equipped and disciplined.
3. The militia shall be maintained by State appropriations.
4. The Legislature shall provide by law for military records, relics, etc.
5. When the Governor shall be out of the State in time of war he shall continue commander-in-chief of the militia.

## ARTICLE XV.

*Corporations Other than Municipal.*

1. All existing charters or grants under which business has not been commenced in good faith at the time this Constitution was adopted, shall thereafter have no validity.
2. No charter of incorporation shall be extended, etc., except for municipal corporations, etc.
3. The Legislature shall have the power to alter or revoke or annul charters.
4. It shall provide by law for the election of directors, etc., of incorporated companies.
5. All railroads shall be public highways, and with transportation and express companies, common carriers.

Section

6. No such corporations shall consolidate with competing or parallel lines.
7. No discrimination in charges for transportation of freight or passengers of the same class should be made.
8. No railroad, express or other transportation company in existence at the time of the adoption of this Constitution shall have the benefit of future legislation, etc.
9. The right of eminent domain shall never be abridged.
10. Fictitious increase of stock or indebtedness shall be void.
11. No foreign corporation shall do business in this State without having one or more known places of business, etc.
12. No street railroad shall be constructed in any city or town without the consent of the local authorities.
13. The Legislature shall pass no law for the benefit of a railroad or other corporation, etc.
14. In regard to the right to construct or maintain telegraph or telephone lines.—They shall not consolidate with any other similar company.
15. If any State, railroad, telegraph, telephone or express corporation shall consolidate with any other corporation organized under other States or Territories they shall not become foreign corporations.
16. It is unlawful for any person or company to require of its employes an agreement whereby such person or company shall be released from responsibility on account of personal injury received.
17. In regard to the leasing or alienation of any franchise.
18. "Corporation" defined.
19. Dues from private corporations shall be secured by such

Section

- means as may be prescribed by law.
20. In regard to trusts.

ARTICLE XVI.

*Municipal Corporations and Officers.*

1. The counties of the Territory of Montana, as they exist at the time of its admission as a State, shall remain the same until changed by law.
2. In regard to removal of the county seat.
3. In all cases of the establishment of a new county it shall pay its ratable proportion other than existing liabilities of the county or counties in which it is formed, etc.
4. Each county shall elect three county commissioners, their term of office.
5. Enumeration of the county officers to be elected.
6. In regard to the appointment of such other county, township, precinct and municipal officers as may be required.

ARTICLE XVII.

*Public Lands.*

1. In regard to public lands.
2. What lands may be sold or leased.
3. All other public lands may be disposed of as provided by law.

ARTICLE XVIII.

*Labor.*

1. A bureau of agriculture, labor and industry to be located at the capitol.
2. Illegal to let by contract convict labor.

ARTICLE XIX.

*Miscellaneous Subjects and Future Amendments.*

1. The following oath to be taken by officers.

Section

2. Lotteries and gift enterprises illegal.
3. Laws shall be enacted to prevent the destruction by fire of the grasses and forests on the lands of the State.
4. The Legislature shall enact liberal homestead and exemption laws.
5. No perpetuities shall be allowed, except for charitable purposes.
6. County officers to keep their offices at the county seats.
7. In regard to public lands, preference shall always be given to actual settlers thereon.
8. A convention to revise, alter or amend the Constitution may be called.
9. Amendments may be proposed in either house.

ARTICLE XX.

*Schedule.*

1. All laws of the Territory not inconsistent with the Constitution shall remain in full force.
2. The same of all lawful orders, judgments, decrees, etc.
3. No crime or criminal offense committed against the laws of the Territory shall abate by reason of the change to a State form of government.
4. In regard to the changing of certain words in the laws of the Territory.
5. Clerks of District Courts, etc., to remain the same as while under the Territory.
6. State and other seals under the Territorial government shall

Section

- remain the same until otherwise provided for.
7. Prosecutions for criminal offenses against the laws of the Territory shall not abate.
8. Persons confined under lawful commitments shall continue to be confined.
9. All rich processes, etc., shall continue.
10. All undertakings, bonds, obligations, etc., shall continue.
11. All property, real or personal, etc., belonging to the Territory, shall become the property of the State.
12. All obligations of the Territory shall be assumed by the State.
13. All cases and proceedings pending in any Probate Court of the Territory are hereby transferred to the District Court in and for the same county.
14. All actions, cases and proceedings pending in the Supreme and District Courts of the Territory shall be transferred to the United States Circuit and District Courts.
15. All actions, cases, etc., pending in the Supreme and District Courts of the Territory shall be transferred to the Supreme and District Courts of the State.
16. Until otherwise provided for, the seal of the Territory shall be the seal of the State.
17. All Territorial, county and township officers shall continue the same in the State.

## NEBRASKA.

## Article

1. Bill of rights.
2. Distribution of powers.
3. Legislative.
4. Legislative apportionment.
5. Executive department.
6. Judicial department.
7. Rights of suffrage.
8. Education.
9. Revenue and finance.
10. Counties.
11. Railroad corporations.
12. Municipal corporations.
13. Miscellaneous corporations.
14. State, county and municipal indebtedness.
15. Militia.
16. Miscellaneous provisions.
17. Amendments.
18. Schedule.

## ARTICLE I.

*Bill of Rights.*

## Section

1. All persons are by nature free and independent, and have certain inherent rights.
2. There shall be neither slavery nor involuntary servitude, except as punishment for crime.
3. No person shall be deprived of life, liberty or property without due process of law.
4. Freedom of religious thought and worship.
5. Freedom of speech.—In trials for libel, truth may be given in evidence.
6. The right of trial by jury shall remain inviolate.
7. Unreasonable searches and seizures prohibited.
8. The privilege of a writ of habeas corpus shall not be suspended.
9. Excessive bail shall not be required, nor excessive fines

## Section

- imposed, nor cruel punishment inflicted.
10. No person shall be held for a criminal offense, unless on indictment of the grand jury.
11. In criminal prosecutions, the accused shall have the right to defend in person or by counsel.
12. No person shall be compelled in any criminal case to give evidence against himself or be twice put in jeopardy for the same offense.
13. All courts shall be open.—Justice shall be administered without delay.
14. Treason against the State defined.
15. Conviction shall not work corruption of blood.
16. No bill of attainder, or ex post facto law shall be passed.
17. Military shall be subordinate to the civil power.
18. The quartering of soldiers.
19. The people have the right to assemble peaceably to consult for the common good.
20. No person shall be imprisoned for debt, unless.
21. Private property shall not be taken for public use without just compensation.
22. All elections shall be free.
23. The writ of error shall be a writ of right in all cases of felony.
24. The right to be heard in all civil cases in a court of last resort shall not be denied.
25. Resident aliens and citizens have same right in property.
26. The enumeration of these rights shall not be construed to im-

Section

pair other rights retained by the people.

ARTICLE II.

*Distribution of Powers.*

1. Legislative, executive and judicial.

ARTICLE III.

*Legislative.*

1. Legislative authority is vested in the Senate and House of Representatives.
2. An enumeration of the inhabitants to be taken every ten years.
3. The House of Representatives shall consist of eighty-four members; the Senate of thirty members.
4. Members of the Legislature.— Their term of office and pay.
5. To be eligible to the office of Senator or Representative.
6. No person holding office under the United States, etc., shall be eligible to have a seat in the Legislature.
7. When the session of the Legislature shall commence.— The majority of members of each house shall constitute a quorum.
8. Each house shall keep a journal of its proceedings.
9. A bill may originate in either house.
10. The enacting clause of the law.
11. Every bill and resolution should be read at large at three different days in each house.
12. When members shall be privileged from arrest.
13. No person elected to the Legislature shall receive any civil appointment within this State.
14. The Senate and House of Representatives shall have the sole power of impeachment.
15. The Legislature shall not pass local or special law in any of the following cases.

Section

16. It shall not grant extra compensation, nor shall the compensation of any public officer be increased or diminished during his term of office.
17. The Legislature shall never alienate the salt springs belonging to the State.
18. State lands shall never be donated to companies, nor private individuals.
19. Appropriations for the expenses of the government shall be made.
20. What is to vacate an office.
21. Lotteries illegal.
22. No money shall be drawn from the treasury, except by appropriation.
23. Freedom of speech in debate.
24. When an act shall take effect.

ARTICLE IV.

*Legislative Apportionment.*

1. Until otherwise provided for by law, the senatorial and representative districts shall be as follows.

ARTICLE V.

*Executive Department.*

1. To consist of whom.
2. To be eligible to the office of Governor, or Lieutenant-Governor.
3. Treasurer shall be ineligible for office for two years next after two consecutive terms.
4. What shall be done with the election returns for the offices of the executive.
5. All civil officers liable to impeachment.
6. Supreme executive power vested in the Governor.
7. Governor's message.
8. He may convene the Legislature.
9. In case of disagreement between the two houses, he may adjourn them.
10. He shall nominate all officers, etc.
11. In case of vacancy, how filled.

**Section**

12. The Governor may remove any officer, etc.
13. He shall have the power to grant reprieves and pardons.
14. He shall be commander-in-chief of the militia.
15. Every bill shall be signed by the Governor before it becomes a law.
16. Lieutenant-Governor to act as Governor, when.
17. He shall be president of the Senate and only vote in case of tie.
18. When the president of the Senate shall act as Governor.
19. A Commissioner of Public Lands and Buildings, Secretary of State, Treasurer and Attorney-General should form a board, which shall have general supervision of all State buildings and land.
20. How certain State offices, if vacant, are to be filled.
21. All moneys received and disbursed shall be accounted for by officers of the executive department.
22. They shall report to the Governor at least ten days preceding the regular session of the Legislature.
23. The seal of State to be kept by the Secretary.
24. The salaries of State officers.
25. They shall give bonds of at least double the amount of money which comes into their hands.
26. No other executive State office shall be continued or created.

**ARTICLE VI.**

*Judicial Department.*

1. Judicial power of the State shall be vested in the Supreme, District and County Courts, and justices of the peace, etc.
2. The Supreme Court shall consist of two judges, the majority of whom will be necessary to form a quorum.

**Section**

3. At least two terms of the Supreme Court shall be held each year at the seat of government.
4. Election of judges of Supreme Court.—Term of office.
5. They shall be classified by lot.
6. The judge having the shortest term shall be Chief Justice.
7. To be eligible to the office of judge of the Supreme Court.
8. The reporter shall also act as clerk of the Supreme Court, librarian, etc.
9. The District Courts, their jurisdiction.
10. The State shall be divided into six judicial districts, as follows.
11. The number of judges of District Courts, etc., may be increased.
12. Judges of District Courts may hold courts for each other.
13. Their salary.
14. No judge of the Supreme or District Court may receive other compensation or perquisites.
15. There shall be a judge of the County Court.—His term of office.
16. County Courts shall be courts of record.—Their jurisdiction.
17. Appeals to the District Courts and County Courts allowed in criminal cases.
18. The election of justices of the peace and police magistrates.
19. All laws relating to courts shall be general and of uniform operation.
20. All officers provided for in this article shall hold their office until their successor shall be qualified.
21. How offices are filled in case of vacancy in the Supreme and District Court.
22. The State may sue and be sued.
23. Jurisdiction of the judges of Courts of Record.
24. Style of process.

## ARTICLE VII.

*Rights of Suffrage.*

## Section

1. To be eligible as a voter.
2. Those who may not vote.
3. Every elector in the actual military service of the United States, or of this State, not in the regular army, will exercise.
4. No soldier or seaman of the United States will be deemed a resident of this State because stationed therein.
5. Electors privileged from arrest, etc.

## ARTICLE VIII.

*Education.*

1. A board of commissioners shall be constituted for selling and leasing lands for educational purposes.
2. All land and money bequeathed for educational purposes shall be used in accordance with the terms of such bequest.
3. Enumeration of perpetual fund for common school purposes.
4. All other grants, gifts, etc., hereafter made to this State and not otherwise provided for, shall be used for maintenance of the common schools.
5. All fines, penalties and license money shall be paid over to the counties for the use of common schools.
6. The Legislature shall provide for free instruction in common schools.
7. The income of the school fund shall be equitably distributed among the several school districts of the State.
8. Lands for educational purposes shall not be sold for less than seven dollars an acre.
9. All funds belonging to the State for educational purposes shall be deemed trust funds.
10. The general government of the University of Nebraska, how vested.

## Section

11. No sectarian instruction shall be allowed in any school.
12. Reform schools.

## ARTICLE IX.

*Revenue and Finance.*

1. The need for revenue shall be raised by the levying of a tax.—Peddlers, auctioneers, etc., may be taxed.
2. What property is to be exempt from taxation.
3. The right of redemption from all sales of real estate for the nonpayment of taxes shall exist in the favor of owners.
4. The Legislature shall have no power to release any of the subdivisions of the State, nor the inhabitants from their proportionate share of taxes.
5. The limit of tax to be assessed by Congress.
6. Cities, towns, etc., shall have the power to make local improvements by special assessments.
7. Private property not taken and held for payment of the corporate debt of municipal corporations.
8. The Legislature at its first sessions shall provide by law for the funding of all outstanding indebtedness, at a rate of interest not to exceed eight per cent per annum.
9. The order to examine and adjust all claims upon the treasury.

## ARTICLE X.

*Counties.*

1. New counties shall not be formed with an area of less than four hundred square miles.
2. No county shall be divided without first submitting it to the people.
3. There shall be no territory stricken from an organized county unless a majority of the voters therein petition for such division.



Section

4. The Legislature should provide by law for the election of such county and township officers as may be necessary.
5. It shall provide by general law for township, organizations, etc.

ARTICLE XI.

*Railroad Corporations.*

1. Every railroad corporation doing business in this State shall maintain a public office in the State.
2. Other particulars in regard to railroads.
2. The rolling stock and other movable property of a railroad considered personal property.
3. Railroads, railroad companies and telegraph may not consolidate with a parallel or competing line.
4. Railroads are considered public highways, and the Legislature may establish reasonable rates.
5. No railroad corporations shall issue stock or bonds except for money, etc.
6. The right of eminent domain shall never be abridged.
7. Laws shall be passed to correct abuses and prevent unjust discriminations in charges of express, telegraph and railroad companies.
8. No railroad corporation, organized under the laws of any other State or of the United States, doing business in this State, shall be entitled to exercise the right of eminent domain.

ARTICLE XII.

*Municipal Corporations.*

1. No subdivision of the State shall be subscriber to the capital stock in any railroad or private corporation.

ARTICLE XIII.

*Miscellaneous Corporations.*

Section

1. No corporation shall be created by special law, etc.
2. The street railways in cities and towns before building must get the consent of a majority of the electors.
3. All corporations may sue and be sued.
4. In cases of claims against corporations, etc., the exact amount justly due shall first be ascertained.
5. The Legislature shall provide by law for the election of directors, etc.
6. All existing charters or grants of special or exclusive privileges under which organizations shall not have taken place within sixty days from the time this Constitution takes effect, shall have no validity.
7. Every stockholder in a banking corporation shall be responsible and liable to its creditors, etc.

ARTICLE XIV.

*State, County and Municipal Indebtedness.*

1. The State may, to meet casual deficits in the revenues, contract debts not to exceed \$100,000.
2. No subdivision of the State shall make donations to any railroad, etc., for works of internal improvement.
3. The credit of the State shall never be given or loaned.

ARTICLE XV.

*Militia.*

1. The Legislature shall determine what persons shall constitute the militia of the State.

ARTICLE XVI.

*Miscellaneous Provisions.*

Section

1. Executive and judicial officers and members of the Legislature to take the following oath.
2. Any person who is in default as a collector and custodian of public money shall not be eligible to any office of trust.
3. Drunkenness shall be cause of impeachment and removal from office.

ARTICLE XVII.

*Amendments.*

1. Amendments may be proposed in each branch of the Legislature.
2. A convention to revise and amend the same may be called.

ARTICLE XVIII.

*Schedule.*

1. All laws in force at the time of the adoption of this Constitution, etc., shall continue to be valid.
2. Taxes, penalties, etc., existing before the Constitution, shall continue.
3. Bonds, obligations, etc., entered into upon the adoption of this Constitution shall remain valid.
4. All courts not in this Constitution specifically enumerated, shall continue in existence.
5. All persons filling office shall continue.
6. The district attorneys shall continue.
7. The Constitution shall be submitted to the people of the State.
8. Election returns to be conducted according to the laws regulating general elections.
9. The duties of the Secretary of State twenty days before each election.
10. Form of ballots for said election.
11. Returns to be made within fourteen days after the election.

Section

12. In regard to the acceptance or rejection of the Constitution.
13. The time for holding a general election.
14. Terms of all State and county officers, or judges of the Supreme District Courts, etc., when to begin.
15. The Supreme, District and County Courts shall be the successors respectively of the Supreme, District and Probate Courts, having jurisdiction under the existing Constitution.
16. The Supreme, District and Probate Courts now in existence shall continue.
17. All cases, etc., pending and undetermined in the several courts, and all records, etc., are transferred.
18. Existing Constitutions shall cease, when.
19. The provisions of this Constitution required to be executed prior to the adoption or rejection thereof shall take effect and be in force immediately.
20. The Legislature shall pass all laws necessary to carry into effect the provisions of this Constitution.
21. Oath of affirmation to be retaken in the support of this Constitution.
22. In regard to the Regents of the University.
23. The present executive, State officers, etc., shall continue.
24. The returns of the whole vote cast by judges of the Supreme Court, etc.
25. The auditors shall draw warrants of the State quarterly.
26. District Court shall fix time for holding their courts.
27. Members of the first Legislature under this Constitution.
28. The Constitution shall be enrolled and deposited in office of Secretary of State.

NEVADA.

Article.

1. Declaration of rights.
  2. Right of suffrage.
  3. Distribution of powers.
  4. Legislative department.
  5. Executive department.
  6. Judicial department.
  7. Impeachment and removal.
  8. Municipal and other corporations.
  9. Finance and State department.
  10. Taxation.
  11. Education.
  12. Militia.
  13. Public institutions.
  14. Boundary.
  15. Miscellaneous provisions.
  16. Amendments.
  17. Schedule.
  18. Right of suffrage.
- Preamble

ARTICLE I.

*Declaration of Rights.*

Section

1. All men are by nature free and equal and have certain inalienable rights.
2. Paramount allegiance and powers of Federal government.
3. Right of trial by jury.
4. Religious thought and worship.
5. Habeas corpus.
6. Excessive bail shall not be required.
7. All persons shall be bailable for capital offenses.
8. Capital or infamous crimes.—Property taken without compensation.
9. Freedom of speech and of the press.
10. People have the right to assemble peaceably to consult for the common good.
11. No standing army.

Section

12. Quartering of soldiers.
13. Apportionment.
14. Privileges of debtors.
15. No ex poste facto law.
16. Rights of residents.
17. Slavery prohibited.
18. Rights against seizures and searches.
19. Treason against the State shall consist only in levying war against it.
20. Rights retained.

ARTICLE II.

*Right of Suffrage.*

1. To be eligible as a voter.
2. No person shall be deemed to have lost or gained a residence by reason of his presence or absence while employed in the service of the United States.
3. The right of suffrage shall be enjoyed by all persons entitled to the same who may be in military or naval service of the United States.
4. Electors privileged from arrest.
5. Elections shall be by ballot.
6. Every voter shall be required to register.
7. A poll tax of not less than two nor exceeding four dollars may be required from each person resident in the State.
8. All persons qualified by law to vote for Representatives to the General Assembly shall be qualified to vote for or against this Constitution.

ARTICLE III.

*Distribution of Powers.*

1. Legislative, executive and judicial.

**ARTICLE IV.***Legislative Department.***Section**

1. Power vested in Senate and Assembly.
2. The sessions of the Legislature shall be biennial.
3. Members of the Assembly shall be chosen biennially.
4. Senators shall be chosen at the same time and place as members of the Assembly.
5. Senators and members of the Assembly shall be duly qualified electors.
6. Right to judge qualifications.
7. Either house may punish for contempt.
8. No senator or member of Assembly shall hold any civil office of profit during his term.
9. No person holding any lucrative office under the government shall be eligible to any civil office of profit.
10. Any person who shall be convicted of the embezzlement of the public funds of the State shall be disqualified from holding office.
11. Members of the Legislature shall be exempt from arrest.
12. The Governor has power to fill vacancies in either house.
13. A majority of the members of either house constitutes a quorum.
14. Each house shall keep a journal.
15. The doors of each house shall be open during its session.
16. Bills may originate in either house.
17. Each law shall embrace but one subject.
18. Every bill shall be read by sections on three several days in each house.
19. No money shall be drawn from the treasury except by appropriation.
20. The Legislature shall not pass local or special laws in any of

**Section**

the following enumerated cases.

21. All laws shall be general and of uniform operation throughout the State.
22. Provision may be made by general law for bringing suit against the State.
23. The enacting clause of every law shall be as follows.
24. Lotteries illegal.
25. The Legislature shall establish a system of county and township government.
26. The Legislature shall provide by law for the election of a board of county commissioners.
27. Jury service.
28. Money drawn from the treasury, when.
29. The first regular session of the Legislature may extend to ninety days.
30. Homestead exempt from forced sale.
31. In regard to the property of the wife owned by her before marriage.
32. Powers of the Legislature.
33. The compensation of the members of the Legislature shall be fixed by law.
34. United States senators, how elected.
35. When a bill shall become a law.

**ARTICLE V.***Executive Department.*

1. The supreme power of the State shall be vested in the Governor.
2. The Governor shall be elected by qualified electors.
3. No person shall be eligible to the office of Governor who is not a qualified elector.
4. The returns for every election for Governor shall be sealed up.
5. The Governor shall be commander-in-chief of the military.

Section

7. He shall see that the laws are faithfully executed.
8. The Governor shall have the power to fill vacancies.
9. The Governor may on extraordinary occasions convene the Legislature.
10. He shall communicate his message to the Legislature at every regular session.
11. The Governor shall have the power to adjourn the Legislature in case of a disagreement.
12. No person is eligible for Governor who holds any other office under the government
13. Powers as to fines, forfeitures and reprieves.
14. He may remit fines and grant pardons.
15. There shall be a State seal.
16. Grants and commissions to be in the name of the State.
17. A Lieutenant-Governor shall be elected in the same manner as the Governor.
18. Acting Governor, when.
19. A Secretary of State, Treasurer, Comptroller, Surveyor-General and an Attorney-General shall be elected in the same manner as the Governor.
20. Duties of the Secretary of State.
21. The Governor, Secretary of State and Attorney-General shall constitute a board of prison commissioners, also board of examiners.
22. The Secretary of State, State Treasurer, etc.—Their duties.

ARTICLE VI.

*Judicial Department.*

1. The judicial power of this State shall be vested in a Supreme Court, District Courts and in Justices of the Peace.
2. The Supreme Court shall consist of a Chief Justice and two associate judges.
3. The justices of the Supreme Court shall be elected by qualified voters.

Section

4. The Supreme Court shall have appellate jurisdiction in all cases in equity.
5. The State is hereby divided into nine judicial districts.
6. The District Courts.—Jurisdiction and powers.
7. Terms of Supreme and District Courts.
8. Justices of the Peace.—Their jurisdiction.
9. Municipal Courts.—Jurisdiction of the same.
10. No judicial officer, except justices of the peace and city recorders, shall receive any fees for his own use.
11. Judges of the Supreme and District Courts shall hold none other than a judicial office.
12. How judges are to charge juries.
13. Style of process.
14. Form of civil action.
15. Judges' salaries.
16. Court fees.
17. Office, when vacated.
18. Officers, when suspended.

ARTICLE VII.

*Impeachment and Removal From Office.*

1. The Assembly shall have the sole power of impeaching.
2. Who liable to impeachment.
3. Justices of Supreme Court and District judges may be removed.
4. Removal from office of civil officer.

ARTICLE VIII.

*Municipal and Other Corporations.*

1. The Legislature shall pass no special act in any matter relating to corporate powers, except for municipal purposes.
2. All real and personal property in this State shall be subject to taxation.
3. Dues may be secured.
4. Corporations subject to laws, etc.
5. Corporations may sue and be sued.

**Section**

6. Bank notes prohibited.
7. No right of way shall be appropriated to the use of any corporation without compensation.
8. Organization of cities and towns.
9. State not to donate or loan its credit or money.
10. No county, city or town to become a stockholder.

**ARTICLE IX.**

*Finance and State Debt.*

1. The fiscal year shall commence on the first day of January in each year.
2. Legislature to provide for levying an annual tax.
3. State may contract debts, etc.
4. State not to assume indebtedness.

**ARTICLE X.**

*Taxation.*

1. Taxation to be equal.

**ARTICLE XI.**

*Education.*

1. The Legislature shall encourage by all suitable means the promotion of intellectual, literary and scientific pursuits.
2. School system to be uniform.
3. Revenues pledged to educational purposes.
4. The Legislature shall provide for the establishment of a State university.
5. The Legislature shall have power to establish normal schools.
6. The Legislature shall provide a special tax.
7. The Governor, Secretary of State and Superintendent of Public Instruction shall constitute a board of regents.
8. Duties of the board of regents.
9. No sectarian instruction shall be imparted or tolerated.
10. No funds for sectarian purposes.

**ARTICLE XII.**

*Militia.*

1. Organization of a militia.

**Section**

2. The Governor shall have the power to call out the militia.

**ARTICLE XIII.**

*Public Institutions.*

1. Institutions for the benefit of the insane, blind, etc., shall be supported by the State.
2. A State prison shall be established and maintained.
3. Aged and infirm.

**ARTICLE XIV.**

*Boundary.*

1. Boundary of the State.

**ARTICLE XV.**

*Miscellaneous.*

1. The seat of the government shall be at Carson City.
2. Members of the Legislature, etc., to take the oath of office.
3. No person shall be eligible to office who is not a qualified elector.
4. No perpetuities shall be allowed except for eleemosynary purposes.
5. General election.
6. All county officers shall hold their office at the county seat.
8. Publication of laws, etc.
9. Salaries increased or diminished.
10. Officers, how chosen.
11. The tenure of any office not herein provided for shall be declared by law.
12. The State officers shall keep their respective offices at the seat of government.
13. Enumeration of inhabitants.
14. Votes to constitute choice.

**ARTICLE XVI.**

*Amendments.*

1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly.
2. Revision of the Constitution.

ARTICLE XVII.

*Schedule.*

Section

1. Rights, etc., to continue.
2. All laws to remain in force until they expire by limitation.
3. Fines, etc., to enure to State.
4. Recognizances to remain valid.
5. Salaries of officers.
6. Apportionment of Senators and Assemblymen.
7. Territorial indebtedness assumed.
8. Term of State officers.
9. Term of Senators.
10. Term of Senators fixed.
11. Term of Assemblymen.
12. Sessions of the Legislature.
13. County officers continued in office.
14. Territorial officers continued in office until time of qualification of State officers.
15. Terms of court determined.

Section

16. Salaries of district judges.
17. Salaries may be changed.
18. State officers to qualify.
19. The judges of the Supreme and District Courts shall qualify.
20. All officers of State and District Courts shall be commissioned by the Governor.
21. County, town and village officers.
22. Vacancies may be filled by the Governor.
23. Cases transferred.
24. For the first three years after the adoption of this Constitution the Legislature shall not levy a tax for State purposes.
25. Counties consolidated.
26. Publication of debates, etc.

ARTICLE XVIII.

*Right of Suffrage.*

1. The right of suffrage.

NEW HAMPSHIRE.

PART I.

*Bill of Rights.*

Section

1. All men are born equally free.
2. They have certain inherent rights.
3. When men enter into a state of society they surrender up some of their natural rights to that society.
4. Some are unalienable.—Of this kind are the rights of conscience.
5. Freedom of religious thought and worship.
6. The rights of religious societies.
7. The people of this State have the sole and exclusive right of governing themselves.
8. All magistrates and officers of government are accountable to the people.
9. No office shall be hereditary.
10. The government is instituted for common benefit.

Section

11. All elections to be free.
12. The rights of every member of the community.
13. Those who shall not be compelled to bear arms.
14. Right and justice to be free and without denial.
15. No subject shall be held to answer for any crime until fully and plainly described to him.
16. No person in jeopardy twice for the same offense.
17. In criminal prosecutions the trial shall be in the vicinity where the crime was committed.
18. All penalties ought to be proportioned to the nature of the offense.
19. Unreasonable searches and seizures prohibited.
20. The right of trial by jury.

Section

21. None but qualified persons appointed to serve on the same.
22. Liberty of the press.
23. Retrospective laws are highly injurious.
24. Militia natural defense of the State.
25. Standing armies prohibited.
26. Military subordinate to civil power.
27. Quartering of soldiers.
28. In regard to taxes, impost and duty.
29. The power suspending the laws or the execution of them only to be exercised by the Legislature.
30. Freedom of speech in debate in the Legislature.
31. The redress of public grievances.
32. The people have the right to assemble in a peaceable manner for the common good.
33. Excessive bail and fines or cruel punishments not allowed.
34. Court martial.
35. The right of trial by impartial judge.
36. No pensions should be granted but in consideration of actual service.
37. The legislative, executive and judicial powers to be kept separate from and independent of each other.
38. Moderation, temperance, industry and frugality.

PART II.

*Form of Government.*

1. Forming the State.
2. Supreme legislative power vested in the Senate and House of Representatives.
3. They shall assemble biennially, and shall be called the General Court.
4. The powers and authority of the General Court.
5. A further enumeration of its powers. etc.

Section

6. There shall be a valuation of estates within the State at least once in five years.
7. No member of the General Court shall take fees, etc.
8. The doors to be kept open, except in certain cases.
9. Apportionment of members of the Legislature.
10. Stricken out.
11. In case of a town, place or city where having less than six hundred inhabitants.
12. The members shall be chosen biennially.
13. Qualifications for voting.
14. Every member of the house shall be chosen by ballot for two years.
15. Compensation and mileage.
16. Vacancies, how filled.
17. Impeachments to be heard and made by the Senate.
18. All money bills shall originate, where.
19. Power to adjourn for two days.
20. What constitutes a quorum.
21. Privileged from arrest.
22. The house shall choose their own speaker, etc.
23. Power of Senate, Governor and council.
24. Both houses to keep a journal.
25. The Senate shall consist of twenty-four members.
26. The State to be equally represented.
27. Election of Senators.
28. How Senators shall be chosen.
29. What disqualifies.
30. Those qualified to be considered an inhabitant.
31. In regard to rights, etc., of certain inhabitants.
32. Election of Governor, etc.
33. Notifying those Senators elected.
34. In case of tie.
35. The Senate shall judge of the election and qualification of its own members.
36. May adjourn themselves.



Section

- 37. Shall appoint their officers.
- 38. They have power of impeachment.
- 39. Removal from office.
- 40. If the Governor is impeached.

*Executive Power.*

- 41. The Governor.
- 42. Shall be chosen biennially.
- 43. The Governor may adjourn the Legislature in case of disagreement.
- 44. All bills to be signed by the Governor.
- 45. Every resolve to be presented to the Governor.
- 46. All judicial and army officers to be appointed by the Governor and council.
- 47. The Governor and council shall have a negative on each other.
- 48. Captains and subalterns to be commissioned by the Governor.
- 49. Whenever the chair of the Governor shall become vacant.
- 50. The Governor and council may prorogue the General Court.
- 51. The Governor to be commander-in-chief of the army of the State.
- 52. The Governor's power of pardoning offenses, etc.
- 53. Removal of commissioned officers of the militia.
- 54. Appointment of adjutants, etc.
- 55. Division of militia into brigades, regiments and companies.
- 56. No money to be issued out of the treasury, except by appropriation.
- 57. Certain officers to deliver an account of all goods, stores, etc., to the Governor.
- 58. Compensation of the Governor and council.
- 59. Permanent and honorable salaries for justices of the Supreme Court.
- 60. Election of Governor's councillors.
- 61. Those having a majority of the votes to be considered elected.

Section

- 62. In regard to the refusal or acceptance of an office if elected.
- 63. The members of the council may be impeached for bribery, etc.
- 64. The resolutions, etc., of the council to be recorded.
- 65. State may be divided into five districts, each to elect a councillor.
- 66. Elections may be adjourned.
- 67. Choosing of the Secretary, Treasurer and Commissary-General.
- 68. Records of the State.
- 69. Secretary of State to have a deputy.
- 70. Secretary shall give bond.
- 71. Election of county treasurers, etc.
- 72. Two districts for registering deeds.
- 73. Judicial officers to hold office during good behavior.
- 74. May require opinions of the justices of Superior Court.
- 75. Commissions of justices of the peace to expire in five years.
- 76. Marriage, divorce and alimony.
- 77. Justices of the peace, jurisdiction when damages shall not exceed one hundred dollars.
- 78. No person to hold office after the age of seventy.
- 79. No judge or justice of the peace to act as attorney, etc.
- 80. Judges of probate, duties of.
- 81. May not be counsel or act as advocate.
- 82. The judges of the courts shall appoint their respective clerks to hold office during their pleasure.
- 83. Encouragement of literature, etc.
- 84. Oath of office.
- 85. Oath of affirmation.
- 86. All commissions shall be in the name of the State of New Hampshire, signed by the Governor.
- 87. All writs the same.

Section

- 88. How indictments, etc., shall conclude.
- 89. In regard to suicide.
- 90. All laws, etc., to remain in force.
- 91. Privilege of habeas corpus.
- 92. The enacting style.
- 93. No Governor or judge of the Supreme Judicial Court shall hold any office or place of authority under this State, except.
- 94. No person shall be capable of exercising at the same time more than one of the following offices.
- 95. No member of the council shall have a seat in the Senate or House of Representatives.
- 96. Bribery. etc., debars from office.

Section

- 97. In all cases where sums of money are mentioned in this Constitution, the value thereof shall be computed in silver as six shillings and eight pence per ounce.
- 98. The General Court to fix the time and alterations when amendments shall take effect.
- 99. In regard to the revision of the Constitution.
- 100. A convention for revising the Constitution may be called every seven years.
- 101. The form of government shall be enrolled on parchment and deposited in the Secretary's office.
- 102. Prohibition.

NEW JERSEY.

Article

- 1. Rights and privileges.
- 2. Right of suffrage.
- 3. Distribution of the powers of government.
- 4. Legislative.
- 5. Executive.
- 6. Judiciary.
- 7. Appointing power and tenure of office.
- 8. General provisions.
- 9. Amendments.
- 10. Schedule.

ARTICLE I.

*Rights and Privileges.*

- 1. All men are by nature free and have certain unalienable rights.
- 2. All political power is inherent in the people.
- 3. Freedom of religious thought and worship.
- 4. There shall be no established religion.
- 5. Liberty of speech and of the press.
- 6. Unreasonable searches and seizures prohibited.

- 7. The right of trial by jury shall remain inviolate.
- 8. No person shall be held to answer for criminal offenses unless on the presentment or indictment of the grand jury.
- 10. No person shall be tried twice for the same offense.
- 11. Privileges of the writ of habeas corpus.
- 12. The military shall be subordinate to the civil power.
- 13. Quartering of soldiers.
- 14. Treason against the State defined.
- 15. Excessive bail shall not be required nor cruel punishments inflicted.
- 16. Private property shall not be taken for public use without just compensation.
- 17. No person shall be imprisoned for debt.
- 18. The people have the right to assemble together peaceably for the common good.
- 19. No county, city, etc., shall loan its credit.

20. The State shall not appropriate money or donate land, etc.
21. This enumeration of rights and privileges not to impair other rights retained by the people.

ARTICLE II.

*The Right of Suffrage.*

1. Requirements for voters.
2. The Legislature may pass laws to deprive persons of the right of suffrage who may be convicted of bribery.

ARTICLE III.

*Distribution of the Powers of Government.*

1. Divided into the legislative, executive and judicial.

ARTICLE IV.

*Legislative.*

Section 1.

1. Legislative power shall be vested in the Senate and General Assembly.
2. Those who are eligible.
3. Election of the same.

Section 2.

1. The Senate shall be composed of one Senator from each county in the State.
2. They shall be divided into three classes.

Section 3.

1. The General Assembly elected annually.

Section 4.

1. Vacancies, how filled.
2. Each house shall be judge of the elections and qualifications of its own members.
3. Each house shall choose its own officers, etc.
4. Each house shall keep a journal.
5. May not adjourn for three days.
6. All bills to be read three times.
7. Pay of members.
8. When members are privileged from arrest.

Section 5.

1. No member of the Senate or General Assembly shall be elected to any civil office during his term.
2. No member of the Senate or General Assembly shall represent the State at Congress.
3. Other State officers not entitled to a seat in the Senate or General Assembly.

Section 6.

1. All bills for raising revenue shall originate in the House of Assembly.
2. No money shall be drawn from the treasury but by appropriation.
3. The credit of the State shall not be loaned.
4. The Legislature shall not create debts or liability, etc.

Section 7.

1. No divorce shall be granted by the Legislature.
2. Lotteries illegal.
3. No bill of attainder or ex post facto law.
4. Every law shall embrace but one object.
5. Every law of this State shall begin in the following style.
6. The fund for the support of free schools, etc.
7. No private or special law to be passed.
8. Private property taken for public use or just compensation.
9. No private, special or local bills shall be passed, unless.
10. Foreclosure of mortgages.
11. The Legislature shall not pass private, local or special laws in any of the following enumerated cases.
12. Property shall be assessed for taxes under general laws and by uniform rules.

Section 3.

1. Members of the Legislature to take the following oath.
2. Oath of office.

ARTICLE V.

*Executive.*

1. The executive power shall be vested in the Governor.
2. Election of the same.
3. His term of office.
4. Requirements for Governor.
5. Remuneration of the same.
6. He shall be Commander-in-Chief of the military and naval forces of the State.
7. Every bill to be signed by the Governor.
8. Those who may not hold the office of Governor.
9. The Governor may grant reprieves.
10. May grant pardons.
11. The Governor and all other civil officers under this State liable to impeachment.
12. In case of the absence of Governor, his duty shall devolve upon the president of the Senate.
13. In case of impeachment of Governor his duties and emoluments shall devolve upon the president of the Senate.
14. Other cases where the president of the Senate shall act as Governor.

ARTICLE VI.

*Judiciary.*

Section 1.

1. The judicial power shall be vested in the Court of Error and Appeals, etc.

Section 2.

1. To consist of whom.
2. There shall be a vacancy every year.
3. The compensation of the six judges thereof.
4. The Secretary of State shall be clerk of this court.
5. In regard to an appeal.
6. In regard to a writ of error.

Section 3.

1. The House of Assembly shall have the sole power of impeaching.
2. Any judicial officer impeached shall be suspended from exercising his office until his acquittal.
3. Judgment in cases of impeachment shall not extend farther than removal from office.
4. The Secretary of State shall be clerk of this court.

Section 4.

1. The Court of Chancery shall consist of a chancellor.
2. Who he shall be.
3. May appeal from the Orphans' Court.
4. The Secretary of State shall be the register of the Corroborative Court.

Section 5.

1. The Supreme Court.
2. The Circuit Court.
3. Final judgments in any Circuit Court may be brought by writ of error in the Supreme Court.

Section 6.

1. Number of judges in the inferior Court of Common Pleas.
2. The date of commissions for the first appointment of judges of said court.

Section 7.

1. Justices of the peace.— Number of.
2. Population of the townships, how ascertained.

ARTICLE VII.

*Appointing Power and Tenure of Office.*

Section 1.

1. Legislature shall provide by law for enrolling, organizing and arming the militia.
2. Captains, subalterns, etc., their election.
3. Field officers.

4. Brigadier-generals.
5. Major-generals.
6. Governor to grant commissions.
7. Governor may fill vacancies caused by refusal or neglect.
8. Brigade inspectors.
9. The Governor shall appoint all military officers whose appointment is not provided for in this Constitution.
10. Staff officers, how appointed.

Section 2.

1. Certain civil officers appointed by the Governor.—Term of office.
2. Judges of the Court of Common Pleas, how appointed.—Term of office.
3. State Treasurer and Comptroller, how appointed.—Term of office.
4. Other civil officers, how appointed.—Term of office.
5. The law reporter.—Term of office.
6. Clerks and surrogates of counties.—Term of office.
7. Sheriffs and coroners.—Term of office.
8. Justices of the peace.—Term of office.
9. All other officers, whose appointments are not otherwise provided for by law shall be appointed by the Governor.
10. All civil officers elected or appointed pursuant to the provisions of this Constitution shall be commissioned by the Governor.
11. When the office of officers commences.

ARTICLE VIII.

*General Provisions.*

1. The Secretary of State shall be

ex officio auditor of the accounts of the Treasurer.

2. The seal of State shall be kept by the Governor.
3. All grants and commissions in the name of the State.
4. When this Constitution shall go into operation.

ARTICLE IX.

*Amendments.*

Section

1. May originate in either house.

ARTICLE X.

*Schedule.*

1. The common law and statute laws now in force, not repugnant to this Constitution, shall remain in force, etc.
2. In regard to officers now filling any office or appointment.
3. The present Governor, Chancellor and ordinary or Surrogate-General and Treasurer shall continue in office until successors are elected.
4. In case of vacancy in the office of Governor, how filled.
5. The vote of State canvassers to consist of whom.
6. The returns of the votes for Governor.—How disposed of.
7. The election of clerks and surrogates.
8. The elections for the year 1844.
9. Certain vacancies to be filled by the Governor.
10. Restrictions and pay of members of Legislature.
11. Clerks of counties shall be clerks of inferior Courts of Common Pleas, etc.
12. The Legislature shall pass all laws necessary to carry into effect the provisions of this Constitution.

NEW YORK.

ARTICLE I.

Section

1. No person to be disfranchised.
2. Trial by jury.
3. Religious liberty.
4. Writ of habeas corpus.
5. Bail, fines.
6. Grand jury.
7. Private property.—Private roads.
8. Freedom of speech and of the press.
9. Two-third bills.
10. Right of petition.—Divorces.—Lotteries.
11. Right of property in lands.—Escheats.
12. Feudal tenures abolished.
13. Allodial tenure.
14. Certain leases invalid.
15. Fines and quarter sales abolished.
16. Sale of lands.
17. Old colony laws and acts of the Legislature.—Common law.—Commissioners to be appointed—their duties.
18. Grants of land since 1775.—Prior grants.

ARTICLE II.

1. Qualification of voters.
2. Persons excluded from right of suffrage.—Challenge.—Laws to be passed excluding from right of suffrage.
3. Certain employments not to affect residence of voters.
4. Laws to be passed.
5. Election to be by ballot.

ARTICLE III.

1. Legislative powers.
2. Senators, number of.—Members of Assembly, number of.
3. State divided into thirty-two Senatorial districts.—Bounda-

Section

- ries thereof. Board of supervisors of the city of New York to divide the county into Senate districts.—Certificate, etc., to be filed. .
4. Enumeration to be taken in 1856, and every ten years.—Senate districts, how altered.
5. Members of Assembly, number of, and how apportioned and chosen.—Boards of supervisors in certain counties and board of aldermen in New York city to divide the same into Assembly districts.—Description of Assembly districts to be filed.—Contents of Assembly districts.—Legislature to reapportion members of Assembly.—Each county entitled to one member.—Hamilton county.—Counties and towns may be divided and new ones erected.
6. Pay of members.
7. No member to receive an appointment.
8. Persons disqualified from being members.
9. Time of election fixed.
10. Powers of each house.
11. Journals to be kept.
12. No member to be questioned, etc.
13. Bills may originate in either house.
14. Enacting clause of bills.
15. Assent of a majority of all the members required, etc.
16. Restriction as to private and local bills.
17. Existing law not to be made a part of an act except by inserting it therein.
18. Private and local bills, in what cases they may not be passed.—General laws to be passed.—Street railroads, condition upon

Section

- which they may be authorized.
19. The Legislature not to audit or allow any private claim.
  20. Bill imposing a tax, manner of passing.
  21. Same subject.
  22. Board of supervisors.
  23. Local legislative powers conferred on boards of supervisors.
  24. No extra compensation to be granted to a public officer, servant, agent or contractor.
  25. Sections seventeen and eighteen not to apply to certain bills.

ARTICLE IV.

1. Executive power, how vested.
2. Requisite qualifications of Governor.
3. Time and manner of electing Governor and Lieutenant-Governor.
4. Duties and power of Governor.—His compensation.
5. Pardoning power vested in the Governor.
6. Powers of Governor to devolve upon Lieutenant-Governor.
7. Requisite qualifications of Lieutenant-Governor.—To be President of the Senate and to act as Governor in certain cases.
8. Compensation of Lieutenant-Governor.
9. Bills to be presented to the Governor for signature.—If returned by him with objections, how disposed of.—Bills to be returned within ten days.—After adjournment, bills must be approved in thirty days, else cannot become law.—Governor may object to items of appropriation in any bill.

ARTICLE V.

1. State officers, how elected and terms of office.
2. State Engineer and Surveyor, how chosen and term of office.
3. Superintendent of Public Works, powers and duties:

Section

4. Superintendent of Prisons, powers and duties of.
5. Commissioners of the Land Office.—Commissioners of the Canal Fund.—Canal Board.
6. Powers and duties of boards, etc.
7. Treasurer may be suspended by Governor.
8. Certain offices abolished.

ARTICLE VI.

1. Impeachment. — Assembly has power of.—Effect of judgment.
2. Court of Appeals.—Judges, how chosen.—Appointment of clerk.
3. Vacancies in office of Judge of Court of Appeals.—How filled.
4. Causes pending in Court of Appeals to be referred to Commissioners of Appeals.
5. Commissioners of Appeals.—Vacancies, how filled.—Chief Commissioner to be appointed.
6. Supreme Court.—Jurisdiction.—Justices. — Judicial districts, number of Justices in; may be altered without increasing number. Seven Justices to be designated to act as Associate Judges of the Court of Appeals for the time being.
7. Terms of Supreme Court.
8. Judge or Justice may not sit in review of decisions made by him, etc.
9. Vacancy in office of Justice of Supreme Court, how filled.
10. Judges of Court of Appeals, or Justices of Supreme Court, to hold no other office.
11. Removals.—Proceedings in relation to.
12. City courts.
13. Justice of Supreme Court or Judges of City Courts, how chosen.—Term of office.—Restriction as to age.
14. Compensation of Judges or Justices.—Not to be diminished during term of office.
15. County Courts.
16. Local judicial officers.
17. Judge of Court of Appeals, or Justice of Supreme Court, election or appointment of.—Que-

## Section

- tions to be submitted to the people.
18. Justices of the Peace.
  19. Inferior local courts.
  20. Clerks of Supreme Court and Court of Appeals.
  21. No judicial officer, except Justice of the Peace, to receive fees.
  22. Judgments, etc., may be ordered directly to Court of Appeals for review.
  23. Publication of Statutes to be provided for.
  24. Judges, first election of.—When to enter upon duties.
  25. Local judicial officers.—Term of office of incumbents.
  26. Courts of Special Sessions.
  27. Surrogates' Courts.
  28. Court of Appeals may order causes to be heard by Commission of Appeals.

## ARTICLE VII.

1. Canal debt.—Sinking fund.—June 1, 1846, \$1,300,000.—June 1, 1859, \$1,700,000.
2. General Fund Debt.—Sinking fund, \$350,000; after certain period, \$1,500,000.
3. Two hundred thousand dollars of the surplus canal revenues annually appropriated to general fund, and the remainder to specific public works.—Certain deficiencies in the revenues not exceeding \$2,250,000, annually to be supplied from the revenues of the canals.—Contractors, no extra compensation to be made to.
4. Loans to incorporated companies not to be released or compromised.
5. Legislature shall, by equitable taxes, increase the revenues of the sinking fund in certain cases.
6. Certain canals of the State not to be leased or sold.—Expenditures, for collections and repairs, limited.—Funds from leases or sale, how applied.
7. Salt springs.

## Section

8. Appropriation bills.
9. State credit not to be loaned.
10. Power to contract debts limited.
11. Debts to repel invasion, etc., may be contracted.
12. Limitation of the legislative power in the creation of debts.
13. Sinking funds to be separately kept and safely invested.
14. Claims barred by lapse of time.—Limitation of existing claims.

## ARTICLE VIII.

1. Corporations, how created.
2. Debts of corporations.
3. "Corporations" defined.
4. Charters for savings banks and banking purposes.
5. Specie payments.
6. Registry of bills or notes.
7. Individual responsibility of stockholders.
8. Insolvency of banks, preference.
9. Legislature to provide for the incorporation of cities and villages, and to define powers thereof in certain cases.
10. The credit or money of the State not to be given or loaned.
11. Counties, cities, towns and villages not to give money or property or loan their money or credit.—Their power to contract debts limited.

## ARTICLE IX.

1. Common school, Literature and United States Deposit funds.

## ARTICLE X.

1. Sheriffs, clerks of counties, register and clerk of New York, coroners and district attorneys.—Governor may remove.
2. Officers, how chosen or appointed.
3. Duration of office.
4. Time of election.
5. Vacancies in office, how filled.
6. Political year.
7. Removal from office.
8. When office deemed vacant.
9. Compensation of certain officers.



ARTICLE XI.

Section

1. Militia.
2. Manner of choosing or appointing militia officers.
3. Officers to be appointed by Governor and Senate.—Commissary-General.
4. Election of militia officers.
5. Officers, how commissioned.
6. Election of militia officers may be abolished.

ARTICLE XII.

1. Oath of office prescribed.

ARTICLE XIII.

1. Amendments.
2. Future conventions, how called.

ARTICLE XIV.

1. Election.—Term of office of Senators and Members of Assembly.
2. First election of Governor and Lieutenant-Governor, when.
3. State officers, and others, to remain in office till December 31, 1847.
4. First election of judicial officers, when.

Section

5. Jurisdiction of pending suits.
6. Chancellor and Supreme Court.—Masters in Chancery.
7. Vacancy in office of Chancellor or Justice of Supreme Court, how filled.
8. Offices abolished.
9. Chancellor and Justices of present Supreme Court eligible.
10. Officers to hold until expiration of term.
11. Judicial officers may receive fees.
12. Local courts to remain, etc.
13. When Constitution goes into operation.

ARTICLE XV.

1. Bribery and official corruption.
2. The same subject.
3. Person offering or receiving bribe may be witness.
4. District attorney may be removed for failure to prosecute violations.—Expenses of prosecution, how chargeable.

ARTICLE XVI.

1. Amendments, when to take effect.

NORTH CAROLINA.

ARTICLE I.

*Declaration of Rights.*

Section

1. The equality and rights of men.
2. Political power and government.
3. Internal government of the State.
4. That there is no right to secede.
5. Of allegiance to the United States government.
6. Public debt.
7. Exclusive emoluments, etc.
8. The legislative, executive and judicial powers distinct.
9. Of the power of suspending laws.
10. Elections free.
11. In criminal prosecutions.

Section

12. Answers to criminal charges.
13. Right of jury.
14. Excessive bail.
15. General warrants.
16. Imprisonment for debt.
17. No person to be taken, etc., but by the law of the land.
18. Persons restrained of liberty.
19. Controversies at law respecting property.
20. Freedom of the press.
21. Habeas corpus.
22. Property qualifications.
23. Representation and taxation.
24. Militia and the right to bear arms.
25. Right of the people to assemble together.

Section

26. Religious liberty.
27. Education.
28. Elections should be frequent.
29. Recurrence to fundamental principles.
30. Hereditary emoluments, etc.
31. Perpetuities, etc.
32. Ex post facto laws.
33. Slavery prohibited.
34. State boundaries.
35. Courts shall be open.
36. Soldiers in time of peace.
37. Other rights of the people.

ARTICLE II.

*Legislative Department.*

1. Two branches.
2. Time of assembling.
3. Number of Senators.
4. Regulations in relation to restricting the State for Senators.
5. Regulations in relation to apportionment of Representatives.
6. Ratio of representation.
7. Qualifications for Senators.
8. Qualifications for Representatives.
9. Election of officers.
10. Powers in relation to divorce and alimony.
11. Private laws in relation to the names of persons, etc.
12. Thirty days notice shall be given anterior to passage of private laws.
13. Vacancies.
14. Revenue.
15. Entails.
16. Journals.
17. Protest.
18. Officers of the house.
19. President of the Senate.
20. Other senatorial officers.
21. Style of the acts.
22. Powers of the general assembly.
23. Bills and resolutions to be read three times, etc.
24. Oath for members.
25. Term of office.
26. Yeas and nays.

Section

27. Election for members of the general assembly.
28. Pay of officers and members of the general assembly.
28. Extra session.

ARTICLE III.

*Executive Department.*

1. Officers of the executive department.
1. Terms of office.
2. Qualifications of Governor and Lieutenant-Governor.
3. Returns of elections.
4. Oath of office for Governor.
5. Duties of Governor.
6. Reprieves, commutations and pardons.
7. Annual reports from officers of executive department and of public institutions.
8. Commander-in-chief.
9. Extra sessions of general assembly.
10. Officers whose appointments are not otherwise provided for.
11. Duties of Lieutenant-Governor.
12. In case of impeachment of Governor or vacancy caused by death or resignation.
13. Duties of other executive officers.
14. Council of State.
15. Compensation of executive officers.
16. Seal of State.
17. Department of agriculture, immigration and statistics.

ARTICLE IV.

*Judicial Department.*

1. Abolishes the distinctions between actions at law and suits in equity.
1. Feigned issues abolished.
2. Division of judicial powers.
3. Trial court of impeachment.
4. Impeachment.
5. Treason against the State.
6. Supreme Court Justices.
7. Terms of the Supreme Court.

Section

8. Jurisdiction of the Supreme Court.
9. Claims against the State.
10. Judicial districts for Superior Courts.
11. Residence of judges. Rotation of judicial districts. And Special Terms.
12. Jurisdiction of courts inferior to Supreme Court.
13. In case of waiver of trial by jury.
14. Special Courts in cities.
15. Clerk of Supreme Court.
16. Election of Superior Court Clerk.
17. Terms of office.
18. Fees, salaries and emoluments.
19. What laws are and shall be in force.
20. Disposition of actions at law and suits in equity pending when this Constitution shall go into effect, etc.
21. Election, term of office, etc., of Supreme and Superior Court Judges.
22. Transaction of business in the Superior Courts.
23. Solicitors for each judicial district.
24. Sheriffs and coroners.
25. Vacancies.
26. Terms of office of first officers under this article.
27. Jurisdiction of Justices of the Peace.
28. Vacancies in office of justices.
29. Vacancies in office of Superior Court clerk.
30. Officers of other courts inferior to Supreme Court.
31. Removal of Judges of the various courts for inability.
32. Removal of clerks of the various courts for inability.
33. Amendments not to vacate existing offices.

ARTICLE V.

*Revenue and Taxation.*

1. Capitation tax.
1. Exemptions.

Section

2. Application of proceeds of State and county capitation tax.
3. Taxation shall be by uniform rule and ad valorem.
4. Restriction upon the increase of the public debt, except in certain contingencies.
5. Property exemptions from taxation.
6. Taxes levied by County Commissioners.
7. Acts levying taxes shall state object, etc.

ARTICLE VI.

*Suffrage and Eligibility to Office.*

1. Qualifications of an elector.
2. Registration of electors.
3. Elections by people and general assembly.
4. Oath of office.
5. Disqualification for office.

*Municipal Corporations.*

1. County officers.
2. Duties of County Commissioners.
3. Counties to be divided into districts.
4. Said districts shall have corporate powers as townships.
5. Officers of townships.
6. Trustees shall assess property.
7. No debt or loan except by a majority of voters.
8. Drawing of money.
9. Taxes to be ad valorem.
10. When officers enter on duty.
11. Governor to appoint Justices.
12. Charters to remain in force until legally changed.
13. Debts in aid of the rebellion not to be paid.
14. Powers of general assembly over municipal corporations.

ARTICLE VIII.

*Corporations Other than Municipal.*

1. Corporations under general laws.
2. Debts of corporations, how secured.
3. What corporations shall include.
4. Legislatures to provide for organizing cities, towns, etc.

ARTICLE IX.

*Education.*

Section

1. Education shall be encouraged.
2. General assembly shall provide for schools.
2. Separation of the races.
3. Counties to be divided into districts.
4. What property shall be devoted to educational purposes.
5. County school funds.
5. Proviso.
6. Election of trustees and provision for maintenance of the university.
7. Benefits of the university.
8. Board of education.
9. President and secretary.
10. Power of board.
11. First session of board.
12. Quorum.
13. Expenses.
14. Agricultural department.
15. Children must attend school.

ARTICLE X.

*Homesteads and Exemptions.*

1. Exemption.
2. Homestead.
3. Homestead exempted from debt.
4. Laborer's lien.
5. Benefit of widow.
6. Property of a married female secured to her.
7. Husband may insure his life for the benefit of wife and children.
8. How deed for homestead may be made.

ARTICLE XI.

*Punishments, Penal Institutions and Public Charities.*

Section

1. Punishments.
1. Convict labor.
1. Proviso.
2. Death punishment.
3. Penitentiary.
4. Houses of correction.
5. Houses of refuge.
6. The sexes to be separated.
7. Provision for the poor and orphans.
8. Orphan houses.
9. Inebriates and idiots.
10. Deaf-mutes, blind and insane.
11. Self-supporting.

ARTICLE XII.

*Militia.*

1. Who are liable to militia duty.
2. Organizing, etc.
3. Governor, commander-in-chief.
4. Exemptions.

ARTICLE XIII.

*Amendments.*

1. Convention, how called.
2. How Constitution may be altered.

ARTICLE XIV.

*Miscellaneous.*

1. Indictments.
2. Penalty for fighting duel.
3. Drawing money.
4. Mechanic's lien.
5. Governor to make appointments.
6. Seat of government.
7. Holding office.
8. Intermarriage of whites and negroes prohibited.

NORTH DAKOTA.

Preamble.

ARTICLE I.

*Declaration of Rights.*

Section

1. All men are by nature free and have certain inalienable rights.
2. All political power is inherent in the people.
3. The State is inseparable from the Union.
4. Freedom of religious belief and worship.
5. Writ of habeas corpus.
6. Bail shall be accepted, except for capital offenses.—Bail shall not be excessive.—Witnesses shall not be unreasonably detained.
7. Right of trial by jury.
8. Offenses shall be prosecuted criminally by indictment, or information.
9. Freedom of speech.
10. The citizens have the right to assemble together in a peaceable manner for the common good.
11. All laws of a general nature shall have a uniform operation.
12. The military shall be subordinate to the civil power.
13. Right to a speedy and public trial.—No person shall be put in jeopardy twice for the same offense.
14. Private property shall not be taken for public use without just compensation.
15. In regard to imprisonment for debt.
16. No law impairing the obligations of contracts shall be passed.

Section

17. Slavery and involuntary servitude illegal, except as punishment for crime.
18. Unreasonable searches and seizures not tolerated.
19. Treason against the State defined.
20. Special privileges shall not be granted to a certain class of citizens which is not granted to all.
21. Provisions of this Constitution are mandatory and prohibitory.
22. Right and justice to be administered without sale or delay.
23. Malicious interfering with those in employment and those seeking it.
24. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate.

ARTICLE II.

*Legislative Department.*

25. Legislative power is vested in the Senate and House of Representatives.
26. Senate to contain not less than thirty, nor more than fifty members.
27. Term of office of Senators.
28. Senator must be a qualified elector.
29. The division of the State into senatorial districts.
30. Senators divided into two classes.—Term of office of each.
31. President of Senate pro tempore.

Section

32. House of Representatives shall contain not less than fifty, nor more than one hundred and forty members.
33. Representatives elected for two years.
34. Qualifications for Representative.
35. Beginning with 1895, and every tenth year after, an enumeration is to be made of the inhabitants of the State.
36. The House of Representatives shall elect one of its members as speaker.
37. Those who may not hold two offices.—Exceptions.
38. Those not eligible to be members of the General Assembly.
39. No member of the Legislative Assembly shall be elected, nor appointed, to any office which was created during his term of office.
40. Solicitation of bribery, penalty of.
41. When the term of office of the Assembly shall begin.
42. To be privileged from arrest during the session, except for treason, felony and breach of the peace.
43. Members may not vote on any bill in which they have a personal interest without the consent of the house.
44. Governor to fill vacancies.
45. Compensation of members.
46. A majority of the members of each house shall be a quorum.
47. Each house shall be the judge of the qualifications of its own members.
48. The powers of each house.
49. Each house shall keep a journal.
50. The sessions are to be open, except in special cases.
51. As to adjournment.
52. Senate and House shall be called the Legislative Assembly.
53. Time of meeting.
54. When shall vote viva voce.

Section

55. Sessions to be biennial.
56. Duration of sessions.
57. Origin of bills may be in either house, and may be amended by either.
58. No law shall be passed except by a bill adopted by both houses.
59. Enacting clause of every law shall be: Be it enacted by the Legislative Assembly of the State of North Dakota.
60. When a bill for the appropriation of money may be introduced.
61. No bill to contain more than one subject.
62. The general appropriation bill to contain what.
63. Every bill shall be read three times.
64. In regard to the revision of a bill.
65. For a bill to become a law.
66. In regard to the signing of bills.
67. When legislative acts are to take effect.
68. The Legislative Assembly shall pass all laws necessary to carry into effect all the provisions of this Constitution.
69. Local or special laws not to be passed in any of the thirty-five cases enumerated.
70. In regard to general and special laws.

ARTICLE III.

*Executive Department.*

71. Executive power vested in Governor.
72. Lieutenant-Governor to act as Governor, when.
73. Eligibility for office of Governor and Lieutenant-Governor.
74. Election of the same.
75. Governor commander-in-chief of military and naval forces.—Has power to convene Legislature.—His duties.
76. His powers.
77. Lieutenant-Governor to be president of Senate.

Section

- 78. Governor to fill vacancies in certain cases.
- 79. All bills to be presented to the Governor for his signature before becoming a law.
- 80. He may disapprove of any items in a bill.
- 81. The giving and receiving of bribes by the Governor, the penalty.
- 82. The choosing of other State officers, qualifications of the same and place of holding office.
- 83. Powers and duties of same to be prescribed by law.
- 84. Salaries of the same.

ARTICLE IV.

*Judicial Department.*

- 85. Enumeration of State courts.
- 86. Supreme Court shall have appellate jurisdiction only, except as provided.
- 87. Its powers.
- 88. Number of terms of.
- 89. To consist of three Judges.
- 90. Election of.
- 91. Term of office.
- 92. The Judges of Supreme Court to be classified by lot.—The one having the shortest term to be Chief Justice.
- 93. A clerk and reporter of Supreme Court to be appointed by the Judges of the same.
- 94. Requirements to be eligible for Judge of Supreme Court.
- 95. When the number of Judges may be increased.
- 96. Judges shall have no duties imposed upon them but such as are judicial.
- 97. The style of process, how to be.
- 98. Governor to fill vacancies.
- 99. Compensation of Judges of Supreme Court.
- 100. In case a Supreme Court Judge being interested in a cause, a District Court Judge shall take his place.
- 101. In regard to a reversed or confirmed decree.

Section

- 102. The court is to prepare a syllabus of the points adjudicated in each case.
- 103. Jurisdiction of District Court and Judges.
- 104. State divided into six judicial districts.
- 105. Enumeration of districts.
- 106. How judicial districts may be increased.
- 107. To be eligible for office of District Judge.
- 108. Clerk of the District Court.
- 109. Appeals from District to Supreme Court allowed under certain regulations.
- 110. County Court to be established.
- 111. Jurisdiction of County Court, and how it may be increased.
- 112. Justices of the Peace, number of, jurisdiction of.
- 113. Election of police magistrates.
- 114. Appeals.
- 115. The time of holding courts to be prescribed by law.
- 116. Judges of District Courts may hold court in other districts than their own.
- 117. No Judge of the Supreme or District Courts shall act as attorney or counsel-at-law.
- 118. Terms of courts, how fixed.
- 119. Judges of Supreme or District Courts may not be elected nor appointed to any other than a judicial office.
- 120. Tribunals of conciliation.

ARTICLE V.

*Elective Franchise.*

- 121. Requirements for being an elector.
- 122. Legislature may further extend suffrage.
- 123. Electors to be privileged from arrest on day of election.
- 124. General elections to be biennial.
- 125. Service under United States does not cause loss of residence.

## Section

- 126. No soldier, seaman or marine of the United States shall be deemed a resident of this State in consequence of being stationed therein.
- 127. Those who are not qualified to vote.
- 128. All women who are eligible may vote on all school matters.
- 129. All elections by the people shall be by secret ballot.

## ARTICLE VI.

*Municipal Corporations.*

- 130. The Legislative Assembly shall provide by general law for the organization of municipal corporations.

## ARTICLE VII.

*Corporations Other Than Municipal.*

- 131. Charters of incorporation not to be granted, changed or amended, except in certain cases.
- 132. In regard to charters and grants existing before the adoption of this Constitution.
- 133. The Legislative Assembly shall not remit the forfeiture of a charter.
- 134. Rights of eminent domain shall never be abridged.
- 135. Rights of shareholders in voting for directors.
- 136. In regard to foreign corporations.
- 137. No corporation shall engage in any business other than that authorized in its charter.
- 138. For what stock or bonds may be issued by a corporation.
- 139. In regard to street railroads, telegraph and telephone lines.
- 140. Regulating railroad corporations.
- 141. Parallel or competing railroads may not consolidate.

## Section

- 142. Rates of public carriers to be fixed by law.
- 143. Railroads have the right to connect with and cross one another.
- 144. Definition of term "corporation," as used in this article.
- 145. In regard to banks and issuing bills, etc.
- 146. Combinations formed for controlling prices illegal.

## ARTICLE VIII.

*Education.*

- 147. Unsectarian, free public schools.
- 148. A uniform system to be established.
- 149. The kind of instruction to be given.
- 150. Superintendent of schools to be elected in each county.
- 151. The Legislative Assembly to promote education.
- 152. No State money to be used for the support of any sectarian school.

## ARTICLE IX.

*School and Public Lands.*

- 153. The principal of the school fund may never be diminished.
- 154. The interest of this fund to be used for the support of the public schools of the State.
- 155. When lands granted by the United States to the State for support of common schools may be sold.
- 156. Who constitute "The Board of University and School Lands."
- 157. The board of appraisal.
- 158. In regard to the sale of public lands.
- 159. The principal of all funds donated to the State for educational or charitable purposes may never be diminished.
- 160. Appraisal and sale of land donated.



Section

161. State school land may be leased for a term of not more than five years.
162. How school fund money shall be invested.
163. In regard to the occupation and improvement of public lands.
164. Lands granted by the United States for other purposes than those in sections 153-159, may be sold by the State.
165. Embezzlement of school fund.

ARTICLE X.

*County and Township Organization.*

166. Counties which are added to the State.
167. Organization of new counties.—Each county must contain twenty-four congressional townships.
168. All changes of county boundaries must have approval of a majority of the electors in the county to be changed.
169. County seat, removal of the same.
170. Organizing townships.
171. County government.
172. County commissioners, not more than five nor less than three in number.
173. County officers, election of.

ARTICLE XI.

*Revenue and Taxation.*

174. Revenue for meeting the expenses of the State to be raised each year.
175. Taxation.
176. What property is exempt from taxation.
177. Improvements on land to be assessed in accordance with section 179, but plowing shall not be considered an improvement.
178. The power of taxation shall never be suspended.
179. How property shall be assessed.
180. Who must pay a poll tax.
181. Laws to be passed to carry out the provisions of this article.

ARTICLE XII.

*Public Debt and Public Works.*

Section

182. The State may contract debts not to exceed \$200,000.
183. The limit of debt not to exceed five percentum on the assessed valuation of the property in each county, township, town, or school district.
184. How the debt shall be paid.
185. The State, or any subdivision of the same, may not loan its credit.
186. No State money to be paid out except by appropriation by law.
187. The validity of a bond.

ARTICLE XIII.

*Militia.*

188. To consist of all able-bodied male persons between the ages of eighteen and forty-five years.—Exceptions.
189. To be organized as provided for by law.
190. Volunteers to be organized.
191. Appointment of militia officers.
192. Commissioned officers to be commissioned by the Governor.
193. Militia forces to be privileged from arrest except in certain cases.

ARTICLE XIV.

*Impeachment and removal from Office.*

194. Sole power of impeachment shall be in the House of Representatives.
195. An impeachment shall be tried by the Senate.
196. Those liable to impeachment, and for what offenses.
197. All officers not liable to impeachment shall be subject to removal for misconduct.
198. No officer shall exercise duties of office after impeachment, and before his acquittal.
199. On trial of impeachment against the Governor, the Lieutenant-Governor shall not act as a member of the court.

Section

200. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days before day set for trial.

201. Not liable to impeachment twice for same offense.

ARTICLE XV.

*Future Amendments.*

202. How amendments may be made.

ARTICLE XVI.

*Compact with the United States.*

203. The compact.

204. Jurisdiction is ceded to the United States over certain military reservations.

205. Acceptance of grants of land by the State from the United States.

ARTICLE XVII.

*Miscellaneous.*

206. The name of the State shall be North Dakota.—Boundary of the same.

207. Description of the seal.

208. Rights of homestead.

209. Labor of children under twelve years not legal.

210. All flowing streams and natural water courses forever the property of the State.

211. Oath of office.

212. Exchange of "Blacklists" between corporations shall be prohibited.

213. Property rights of women.

ARTICLE XVIII.

*Congressional and Legislative Apportionment.*

214. Apportionment into districts.

ARTICLE XIX.

*Public Institutions.*

215. Location of the same.

216. Location of other institutions.

ARTICLE XX.

*Prohibition.*

Section

217. Intoxicating liquors not to be sold in the State.

SCHEDULE

1. In regard to the change from Territorial to State government.

2. All Territorial laws now in force shall remain in force till they expire, or are repealed.

3. All fines, etc., accruing to the Territory shall accrue to the States of North and South Dakota.

4. All bonds, obligations, etc., executed to the Territory shall pass over to the State.

5. All property, credit, claims, etc., belonging to the Territory shall pass over to the States of North and South Dakota.

6. Everything pertaining to Territorial courts is to pass over to State courts.

7. The Territorial court seals are to be the State court seals till otherwise provided for by law.

8. Probate Courts.—Probate judges to act as County Court judges until the election of County Court judges.

9. Terms, "Probate Court," and "probate judges," appearing in the statutes of the Territory, after this Constitution goes into effect, shall be held to apply to the County Courts or county judges.

10. All Territorial, county and precinct officers in office at the time this Constitution takes effect shall hold their offices till their successors shall be elected.

11. This Constitution shall be in full force immediately upon the admission of this Territory as a State.

## INDEX.

clx1

### Section

12. A proclamation to be issued, calling an election by the people.
13. Election day shall then be appointed.
14. Governor, Secretary, and Chief Justice shall constitute a court of canvassers to canvass the vote of such election.
15. All officers so elected shall, within sixty days after the date of admitting the State of North Dakota into the Union, take the oath required by this Constitution.
16. Term of office of judges of the District Courts, and other State officers.

### Section

17. The Governor-elect of the State.  
— His duties.
18. Election of a representative to the Fifty-first Congress.
19. The Legislative Assembly at its first session is to provide for the payment of all debts, etc.
20. To vote for or against prohibition.
21. The agreement made between North and South Dakota.
22. In regard to illegal tax sales.
23. The signing of the Constitution.
24. Appropriation for one-half the expense of publishing Territorial reports.
25. Inauguration of State government.
26. This Constitution to be published.

## OHIO.

### Article.

1. Bill of rights.
  2. Legislative.
  3. Executive.
  4. Judicial.
  6. Elective franchise.
  6. Education.
  7. Public institutions.
  8. Public debt and public works.
  9. Militia.
  10. County and township organization.
  11. Apportionment.
  12. Finance and taxation.
  13. Corporations.
  14. Jurisprudence.
  15. Miscellaneous.
  16. Amendments.
- Schedule.  
Preamble.

### ARTICLE I.

#### *Bill of Rights.*

### Section.

1. All men are by nature free and have certain inalienable rights.
2. Political power inherent in the people.—Object of government, right to alter and reform it.

### Section.

3. The people have the right to meet together peaceably to consult for the common good.
4. Right to bear arms for defense and security.—Standing armies forbidden.—Military subordinate to civil power.
5. Right of trial by jury.
6. Slavery forbidden.
7. Religious freedom; test oaths not to be required, witnesses not to be excluded on account of religion.
8. Writ of habeas corpus.
9. Excessive bail and fines and cruel punishments forbidden.
10. Rights of persons accused of crimes, witnesses, counsel, may not be tried twice for the same offense.
11. Freedom of speech and of the press.—Trials for libel.
12. Transportation for crime forbidden.—Conviction not to work corruption of blood or forfeiture of estate.
13. Quartering of soldiers.

Section

14. Exemption from illegal seizures and searches.
15. No imprisonment for debt in any civil action, or mesne or final process, except fraud.
16. Right of Justice Courts to be open.
17. Hereditary emoluments, honors or privileges not to be granted.
18. Laws may be suspended only by General Assembly.
19. Private property taken for public use to receive just compensation.
20. Other rights not denied or impaired, and all powers not herein delegated to remain with the people.

ARTICLE II.

*Legislature.*

1. Legislative power vested in General Assembly.—How composed.
2. Senators and Representatives to be elected biennially.
3. Residence of the same.
4. Persons holding office under the United States or lucrative offices in the State, not eligible to Legislature.—Exceptions.
5. Persons convicted of embezzlement of public funds and non-accounting holders of public moneys are debarred from office.
6. Each house to judge of the returns of its own members.—Quorum.—Powers of the minority.
7. Organization of house to be prescribed by law.
8. Each house to choose its own officers.—May punish members.—Power of expulsion.
9. Each house to keep a journal.—Majority of all members elected must concur in the passage of laws.
10. Right of entering protest in journal.
11. Vacancies in either house, how filled.
12. Privileges of Senators and Rep-

Section

- representatives from arrest, freedom of debate.
13. Proceedings to be public unless two-thirds require secrecy.
14. Adjournments restricted.
15. Bills may originate in either house.—They shall embrace but one subject.
16. Every bill shall be distinctly read.—No bill shall contain more than one subject.
17. Signature of bills and joint ed must concur in the passage of laws.
18. Style of laws.
19. Senators and Representatives not eligible to certain offices during term nor for one year after.
20. General Assembly to fix terms of office and compensation, salaries not to be affected during term.
21. Contested elections to be determined as the law may provide.
22. No money to be drawn from the Treasury except by laws.
23. The house to have sole power of impeachment.—Tried by Senate.—Concurrence of two-thirds necessary for conviction.
24. Officers who may be impeached, limit of judgments.
25. Beginning of sessions, first session.
26. General laws to be uniform in their operation.
27. The election of officers in the filling of vacancies not otherwise provided for, to be made according to law.—The vote to be viva voce.
28. General laws to be passed for certain purposes.
29. Extra compensation to contractors and public officers forbidden.
30. Limit in formation of counties, removal of county seats.
31. Pay of officers and members of General Assembly to be fixed, extra pay in any form not allowed.
32. Divorces not to be granted by General Assembly.

## ARTICLE III.

*Executive.*

## Section

1. Officers included in executive department.—Time of their election.
2. Terms of certain officers of the same.
3. Election of return of officers of the same.—In case of tie how decided.
4. Proceeding in case of non-session.—The General Assembly January next after election.
5. Supreme executive power vested in the Governor.
6. He may require information of officers in the executive department.—He is to see that the laws are faithfully executed.
7. He is to communicate by message.
8. May, on extraordinary occasions, convene the General Assembly.
9. May adjourn General Assembly in case of disagreement.
10. To be commander-in-chief of militia.
11. Pardonng power, limited in cases of treason or impeachment.
12. Great seal to be kept by Governor.
13. Grants and commissions, how sealed and signed.
14. What persons may not act as Governor.
15. In case of vacancy, the duties to devolve on Lieutenant-Governor.
16. Lieutenant-Governor to be President of the Senate.—Casting vote.—To act as Governor in case of vacancy.
17. President of Senate to act as Governor in a certain case.
18. Governor may fill certain offices of executive department till disability is removed or election held.

## Section

19. Pay of officers of executive department.
20. Officers of executive department to report to Governor before each regular session of General Assembly.

## ARTICLE IV.

*Judicial.*

1. Judicial power, how vested.
2. Supreme Court, how composed, jurisdiction and terms, election of judges.
3. Nine Common Pleas districts to be formed, terms, etc.
4. Jurisdiction of Courts of Common Pleas and of judges to be fixed by law.
5. District Courts, how formed.—To be held in each county.
6. Jurisdiction of District Courts.
7. A Probate Court to be established in each county, to be a Court of Record, open at all times.—Salary to be paid by the county.
8. Jurisdiction of Probate Courts.
9. Justices of the Peace to be elected, terms and powers to be fixed by law.
10. All judges other than those provided in the Constitution to be elected.—Terms not to exceed five years.
11. Classification of judges of Supreme Court.
12. Judges of the Court of Common Pleas to reside in their districts.
13. Vacancies in office of judge to be filled by Governor.
14. Salaries of judges not to be increased or diminished, they hold no other office.
15. General Assembly may increase or diminish number of judges, may establish other courts, but not to vacate the office of any judge.
16. Court of Common Pleas to have a clerk elected from each county, his terms and duties.

Section

17. Removal of judges from office.
18. Judges to have powers and jurisdiction of Chambers, as may be directed by law.
19. Courts of Conciliation may be established, parties to agree to abide by their judgment.
20. Style of process.

ARTICLE V.

*Elective Franchise.*

1. Qualifications of electors.
2. Elections to be by ballot.
3. Privilege of electors from arrest at elections.
4. Exclusion from voting for bribery, perjury or other infamous crime.
5. Persons in military, marine or naval service not to acquire residence by being officially stationed.
6. Idiots and insane persons may not vote.

ARTICLE VI.

*Education.*

1. Funds granted or intrusted to State for educational and religious purposes to be inviolate.
2. Funds to be provided for maintaining schools.—No sect to have control of school funds.

ARTICLE VII.

*Public Institutions.*

1. Institutions for insane, deaf and dumb to be fostered and supported.
2. Election of Directors of Penitentiary and trustees of other State institutions appointed by Governor and Senate.
3. Governor may fill vacancies in offices aforesaid until successors are appointed.

ARTICLE VIII.

*Public Debt and Public Works.*

1. Restrictions on the formation of State debts.

Section

2. Debts to repel invasion and suppress insurrection.—To redeem present indebtedness.—Debts payable from sinking fund.
3. With these exceptions, no debts shall be created by the State.
4. State credit not to be given or loaned.—May not become a stockholder in any company.
5. State not to assume county or other local debts, except in time of war.
6. State not to authorize any county, city or township to become a stockholder, or to raise money or to loan credit to corporations.
7. Faith of State pledge for payment of public debt.—Sinking fund.
8. Commissioners of the sinking fund, how organized.
9. Duties of these commissioners, to estimate and make provision for raising and disbursing the fund.
10. Duty to apply fund to the payment of interest and principal of debt.
11. To report semi-annually to the Governor.—To report to Legislature.
12. Board of Public Works.—Members to be elected.
13. Powers and duties of Board of Public Works to be fixed by law.

ARTICLE IX.

*Militia.*

1. Persons liable to military duty.
2. Officers elected by persons subject to military duty.
3. Appointment of staff officers.—Non-commissioned officers and musicians.
4. Officers to be commissioned by Governor.—He may call out militia, execute the laws, suppress insurrection and repel invasion.
5. General Assembly shall provide by law for the safe keeping and protection of public arms.

ARTICLE X.

*County and Township Organization.*

Section

1. General Assembly to provide for election of county and township officers.
2. Time of elections.—Term not to exceed three years.
3. Sheriffs and county treasurers, not to hold more than four years in six.
4. Election of township officers.—Time.—Towns.
5. Money to be paid from county or township treasury only by law.
6. Removal of justices of the peace and county and township officers.
7. Powers of commissioners and counties.—Trustees of townships are to be fixed by law.

ARTICLE XI.

*Apportionment.*

1. To be made once in ten years after 1851.
2. Ratio of counties for Representatives.—How adjusted.
3. Fractions.—How assigned.—Rule prescribed.
4. Counties.—when entitled to separate representation.—Changes only to be made at regular decennial periods.
5. Counties falling below the new ratios to be attached to other counties for representation.
6. Ratios for Senators, how ascertained.
7. Present Senatorial districts.
8. Rule for apportioning of Senatorial districts to be similar to that for Representatives.
9. Counties, when entitled to separate Senatorial representation.
10. First apportionment of Representatives to be as provided in schedule.
11. Governor, Auditor and Secretary of State to determine the ratio of causes to be published.—Judicial apportionment.

Section

12. Present judicial districts.
13. New counties to be attached to such districts, as may be most convenient.

ARTICLE XII.

*Finance and Taxation.*

1. Poll taxes forbidden.
2. Taxation to be uniform.—Public property exempted.—Personal property to what extent exempted.
3. Taxation upon banks and banking.
4. Revenue to be raised sufficient to defray expenses of State and interest on State debt.
5. No tax to be levied except by law.—The object of every tax. Law to be specified.
6. State not to contract debt for internal improvements.

ARTICLE XIII.

*Corporations.*

1. General Assembly to pass no special act conferring corporate powers.
2. Corporations may be formed under general laws.—Such laws may be altered or repealed.
3. Dues from corporations, how secured.—Liability of stockholders.
4. Property of corporations liable to taxation the same as of individuals.
5. No right of way to be appropriated until full compensation in money is paid.
6. Organization of cities and villages by general laws.—Restrictions upon their credit.
7. Laws authorizing banking powers to be submitted to the people.

ARTICLE XIV.

*Jurisprudence.*

1. Three commissioners to be appointed.—Their tenure, pay and mode of filling vacancies to be fixed.

## Section

2. To revise, reform, simplify and abridge the practice, pleadings, forms and proceedings of Courts of Record.
3. Proceedings of Commissioners to be reported to General Assembly.

## ARTICLE XV.

*Miscellaneous.*

1. Columbus to be the seat of government until otherwise directed by law.
2. Public printing to be let on contract to the lowest responsible bidder.
3. Receipts and expenditures to be published.
4. None but electors to hold office.
5. Duelling to disqualify from holding office.
6. Lotteries illegal.
7. Oath of office to be taken before entering upon duties.
8. Bureau of Statistics to be established in Secretary's office.

## ARTICLE XVI.

*Amendments.*

1. Amendments, how made by the General Assembly.—To be submitted to the people at elections.
2. Conventions.—How called to revise Constitution.
3. Question of a convention to be submitted in 1871 and every twentieth year thereafter.

## SCHEDULE.

1. Laws in force September 1, 1851, continued until amended if not inconsistent with the Constitution.
2. First election of members to General Assembly.
3. First election for Governor and other State officers.—When to take office.

## Section

4. First election of judges.—Terms. When to commence, etc.
5. Certain officers not otherwise provided for to continue in office until terms expire, unless otherwise provided by the General Assembly.
6. Superior and Commercial Courts of Cincinnati, and Superior Court in Cleveland continued, but not after second Monday in February, 1853.
7. County and township officers continued until expiration of terms.
8. Vacancies in office after September 1, 1851, to be filled as law now directs, etc.
9. Constitution to take effect September 1, 1851.
10. All officers to continue until successors are chosen and qualified.
11. Suits pending in Supreme Court in banc to be transferred to the Supreme Court under this Constitution.
12. District Courts in counties to be successors of the present Supreme Court.
13. Courts of Common Pleas to be successors of present Courts of Common Pleas.
14. Probate Courts to be successors of present Court of Common Pleas.
15. Elections to be held and returned, as provided, for Governor until otherwise provided by law.
16. Where two counties adjourn, the returns to be made to the county having the largest population.
17. Constitution to be submitted to the electors.
18. Separate submission of license question.
19. Present apportionment of House of Representatives.



OREGON.

Articles

1. Bill of rights.
2. Suffrage and elections.
3. Distribution of powers.
4. Legislative department.
5. Executive department.
6. Administrative department.
7. Judicial department.
8. Education and school lands.
9. Finance.
10. Militia.
11. Corporations and internal improvement.
12. State printer.
13. Salaries.
14. Seat of government.
15. Miscellaneous.
16. Boundaries.
17. Amendments.
18. Schedule.
- Preamble.

ARTICLE I.

*Bill of Rights.*

Section

1. All men are of equal rights.
2. Religious worship.
3. Religious opinion.
4. Religious test.
5. State money shall not be given to any religious sect or denomination.
6. Witnesses.
7. Oath or affirmation.
8. Freedom of speech.
9. Searches, seizures and warrants.
10. Courts not to be secret.
11. Rights of defendant.
12. Not to be tried twice for same crime.
13. Treatment of persons under arrest.
14. Bail.
15. Punishment of crime.
16. Excessive bail and fines.—Power of jury in criminal cases.
17. Civil cases.—Right of trial by jury shall be inviolate.

Section

18. Private property taken for public use.
19. Imprisonment for debt.
20. Exclusive privileges shall not be granted to any class of citizens.
21. What laws shall not be passed.
22. How laws may be suspended.
23. Habeas corpus.
24. Treason against the State, evidence of.
25. No conviction shall work corruption of blood or forfeiture of estate.
26. The people shall have the right to assemble together in a peaceable manner for the common good.
27. The right to bear arms.
28. Quartering soldiers.
29. Titles of nobility.
30. Emigration.
31. Rights of white foreigners.—What emigration may be restrained.
32. Taxes and duties.
33. Enumeration of rights, how construed.
34. Prohibition of slavery.
35. Free negroes and mulattoes.

ARTICLE II.

*Suffrage and Elections.*

1. Elections free.
2. Qualifications of voters.
3. Idiotic, insane or convict persons not voters.
4. Residence.
5. Soldiers, seamen or marines may not vote.
6. Negroes, Chinamen or mulattoes may not vote.
7. Bribery at elections disqualifies from holding office.
8. Laws concerning elections.

Section

9. Duels, disqualify from holding any office of trust or profit.
10. Lucrative offices.
11. Collector, when ineligible to office.
12. Appointment pro tempore.
13. When electors are free from arrest.
14. General elections to be held biennially.
15. Votes to be given viva voce.
16. Plurality shall elect.
17. Electors.

ARTICLE III.

*Distribution of Powers.*

1. Powers of government.

ARTICLE IV.

*Legislative Department.*

1. Legislative authority.—Style of a bill.
2. The Senate shall consist of sixteen and the House of thirty-four members.
3. By whom chosen.
4. Terms of senators and representatives.—Senators, how classified.
5. Census to be taken every ten years.
6. Apportionment.
7. Senatorial districts.
8. Qualifications of senators, etc.
9. Senators, when they are to be free from arrest.—Words uttered in debate.
10. Sessions of the Legislative Assembly.
11. Election of officers.—Judge of qualifications of members, etc.
12. Quorum.
13. Each house to keep a journal.—Yeas and nays.
14. Open doors.—When sessions may be secret.
15. Punishment and expulsion of members.
16. Punishment of a person not a member.
17. General powers.
18. Bills may originate in either house.

Section

19. Reading of bills and vote on final passage.
20. Subject and title of act.
21. Act to be plainly worded.
22. Mode of revision or amendment.
23. What local or special laws may not be passed.
24. Suit against the State.
25. Majority necessary to pass a bill.—Bill to be signed by speaker.
26. Protest.
27. What statute a public law.
28. When act is to take effect.
29. Compensation of members.
30. When members are not eligible to office.
31. Oaths of members.

ARTICLE V.

*Executive Department.*

1. Executive power vested in the Governor.—Term of office.
2. Qualifications of Governors.
3. Who not eligible.
4. Election of Governor.
5. In case of a tie how decided.
6. Contested elections.
7. Term of office.
8. In case of vacancy or disability.
9. Governor commander-in-chief of military and naval forces of the State.
10. To take care that the laws are executed.
11. He shall, from time to time, give the Assembly information.
12. He may convene the Legislature.
13. To transact all necessary business with officers.
14. May grant reprieves and pardons.
15. Veto power.—Reconsideration.—Vote to be by yeas and nays.
16. Governor to fill vacancies by appointment.
17. He shall issue writs of election.
18. Commissions.

ARTICLE VI.

*Administrative Department.*

1. Election of Secretary and Treasurer of State.

Section

2. Secretary of State.
3. Seal of State.
4. Power and duties of Treasurer.
5. Office and records of executive officers.
6. County officers.
7. Other officers.
8. Qualifications of county officers.
9. Vacancies.

ARTICLE VII.

*Judicial Department.*

1. Judicial power of the State, in whom vested.—Municipal Court.
2. Supreme Court, Justices of.
3. Term of office.
4. Vacancy.
5. Who to be Chief Justice.
6. Jurisdiction of Supreme Court.
7. Terms of Supreme Court.
8. Circuit Courts.
9. Jurisdiction of Circuit Courts.
10. When the Supreme and Circuit Judges may be elected in distinct classes.—Duties of.
11. County Court.
12. Jurisdiction.—Commissioners of County Courts.
13. Writs granted by County Judges.—Habeas corpus.
14. Expenses of court in certain counties.
15. Election of County Clerk, etc.—Legislature may divide the duties of County Clerk.
16. Sheriff.
17. Prosecuting attorneys.
18. Jurors.
19. Official delinquencies.
20. Removal of judges.
21. Oath of office.

ARTICLE VIII.

*Education and School Lands.*

1. Superintendent of Public Instruction.
2. Common school fund.
3. System of common schools.
4. Distribution of school funds.
5. Board of commissioners for sale of school lands.

ARTICLE IX.

*Finance.*

Section

1. Assessment and taxation.
2. Current expenses.
3. Law levying taxes.
4. Money to be drawn from treasury only by appropriation.
5. Publication of receipts and expenses.
6. Tax for deficiency.
7. Appropriations.
8. Stationery, how furnished.

ARTICLE X.

*Militia.*

1. Militia.
2. Who are exempt.
3. Governor to appoint Adjutant-General and other chief officers.
4. Staff officers.—Governor to commission.
5. Legislature to make regulations for militia.

ARTICLE XI.

*Corporations and Internal Improvements.*

1. Prohibition of banks.
2. Corporations to be formed under general laws.—Municipal corporations.
3. Liability of stockholders.
4. Compensation for property taken by corporations.
5. Restrictions upon municipal corporations.
6. State not to be a stockholder in a corporation.
7. Credit of the State not to be loaned.—The power of contracting debts.
8. State not to assume county debts, unless.
9. Municipal corporations.
10. Limitations upon powers to contract debts by counties.

ARTICLE XII.

*State Printer.*

1. State printer.—The rates to be paid him to be fixed by law.

ARTICLE XIII.

*Salaries.*

Section

1. Salaries of State officers.—They shall receive no fees.

ARTICLE XIV.

*Seat of Government.*

1. Taxation of seat of government.
2. State house.
3. Seat of government, how removed.—Taxation of public institutions.

ARTICLE XV.

*Miscellaneous.*

1. Officers to hold office till successors are elected.
2. Tenure of office.
3. Oath of office.
4. Lotteries are prohibited.
5. Property of married women.
6. New counties.
7. Officers to receive fee in certain cases.
8. Chinamen not to hold real estate or work mining claims, unless.

ARTICLE XVI.

*Boundaries.*

1. Boundaries of State.

ARTICLE XVII.

*Amendments.*

Section

1. Amendments to Constitution.
2. Two or more amendments.

ARTICLE XVIII.

*Schedule.*

1. Election for acceptance or rejection of the Constitution.
2. Questions.—Returns of election.
3. When Constitution to be accepted or rejected.
4. If majority of votes cast for slavery, then this section to be added to bill of rights.—If majority of votes given against slavery.
5. Apportionment of Senators and Representatives.
6. Election, under the Constitution and organization of the State.
7. Former laws.
8. Officers to continue in office until.
9. Crimes against the Territory.
10. Saving of existing rights and liabilities.
11. Judicial districts.

PENNSYLVANIA.

ARTICLES.

Article

1. Declaration of rights.
2. The Legislature.
3. Legislation.
4. The executive.
5. The judiciary.
6. Impeachment and removal from office.
7. Oath of office.
8. Suffrage and elections.
9. Taxation and finance.
10. Education.
11. Militia.
12. Public officers.
13. New counties.
14. County officers.
15. Cities and city charters.
16. Private corporations.

17. Railroads and canals.

18. Future amendments.

Schedule.

Preamble.

ARTICLE I.

*Declaration of Rights.*

Section

1. Equality and rights of men.
2. Political powers inherent in the people.
3. Freedom of religious thought and worship.
4. Religious opinions not to disqualify for holding office.
5. Freedom of elections.
6. Trial by jury.
7. Freedom of the press.

Section

8. Searches and seizures limited.
9. Rights of defense and privileges in criminal prosecutions.
10. Criminal informations limited.—Twice in jeopardy.
11. Justice to be free and without sale.
12. Limitations upon suspension of laws.
13. Excessive bail or fines and cruel punishment forbidden.
14. Bail to be accepted.—Habeas corpus.
15. No commission of Oyer and Terminer.
16. Imprisonment of insolvent debtors limited.
17. Laws *ex post facto*, *etc.*, forbidden.
18. No legislative attainder of treason or felony.
19. Attainder shall not work corruption of blood or forfeiture beyond life.
20. Rights of meeting and petition.
21. Right to bear arms.
22. Military subordinate to civil power.
23. Quartering troops in houses.
24. No title of nobility, *etc.*
25. Emigration permitted.
26. Everything in this article excepted from the powers of government.

ARTICLE II.

*The Legislature.*

1. The legislative power vested.
2. Biennial elections.
3. Legislative terms.
4. Biennial meetings.
5. Qualifications of Senators and Representatives.
6. Disqualification for appointment to office.
7. Conviction of certain crimes to disqualify.
8. Compensation.
9. Presiding officers.
10. Quorum.
11. Powers of each.
12. Each house to keep a journal.

Section

13. Sessions to be open.
14. Adjournments.
15. Privileges of members.
16. Senatorial districts.
17. Representative districts.
18. Apportionments.

ARTICLE III.

*Legislation.*

1. Passage of bills.
2. Reference and printing.
3. Bills to contain but one subject.
4. To be read on three days.—Amendments to be printed.—Yeas and nays.
5. Votes concurring in amendments to be yeas and nays.
6. Revival of law.
7. Limitation on special legislation, *etc.*
8. Notice of local or special bills.
9. Signing of bills by presiding officers.
10. Legislative officers.
11. No extra compensation to officers or contractors.
12. Public printing.
13. No extension of official terms or increase of pay.
14. Revenue bills.
15. Appropriation bills.
16. Payments of moneys from the treasury.
17. Appropriations to charitable institutions.
18. Appropriations for charitable purposes, *etc.*, limited.
19. Appropriations for widows and orphans of soldiers.
20. Power over municipal administration not to be delegated.
21. No limitation of damages for certain injuries.—Nor of times for bringing suits.
22. Investment of trust funds.
23. Changes of venue.
24. No obligation of corporations to the State to be released.
25. Limitations of legislative power at sessions.
26. Concurrent orders, resolutions and votes to be presented to the Governor.

## Section

27. No State inspectors of merchandise.
28. Changing location of State capitol.
29. Bribery of members.
30. Bribery of officers.
31. Corrupt solicitation to be punished by fine and imprisonment.
32. Witnesses to testify in cases of bribery, etc.—Punishment.
33. Interested members shall not vote.

## ARTICLE IV.

*The Executive.*

1. Executive officers.
2. Governor.—His election.
3. His term.
4. Lieutenant-Governor.
5. Qualifications of Governor and Lieutenant-Governor.
6. Congressmen, etc., disqualified.
7. Governor to command militia.
8. Powers of Governor to appoint with consent of Senate.—To fill vacancies.—Votes to be recorded.
9. Pardon power.
10. Governor may require information.
11. Shall give information and recommend measures to General Assembly.
12. May convene General Assembly, and adjourn the two houses when they disagree.
13. Lieutenant-Governor to act as Governor.
14. President pro tempore of the Senate.
15. Approval of bills.—Veto of bills.—Retained bills to become law.
16. A partial veto allowed on appropriation bills.
17. Chief justice to preside on trial of contested election of Governor or Lieutenant-Governor.
18. Secretary of Commonwealth.
19. Secretary of Internal Affairs.
20. Superintendent of Public Instruction.

## Section

21. Terms of heads of departments.
22. Seal of State.—Commissions to be signed and sealed.

## ARTICLE V.

*Judiciary.*

1. The courts.
2. The Supreme Court.—Tenure of judges.—Chief justice.
3. Jurisdiction of Supreme Court.
4. Court of Common Pleas.—Districts not to contain more than four counties.
5. Judicial districts.—Office of associate judge abolished.
6. Common Pleas courts in Philadelphia and Allegheny.
7. Prothonotary in Philadelphia.—Separate dockets for courts.
8. Criminal courts in Philadelphia and Allegheny.
9. Jurisdiction of Common Pleas judges.
10. May issue writs of certiorari to inferior courts.
11. Justices of the peace and aldermen.
12. Magistrates in Philadelphia.
13. Fees and fines to be paid to the county treasury.
14. Appeals from summary conviction.
15. Election and term of judges.—Removal.
16. Election of judges of Supreme Court by limited vote.
17. Priority of commissions of judges.
18. Compensation of judges.—Disqualification.
19. Residence of judges.
20. Chancery powers of Courts of Common Pleas.
21. No extra judicial duties for judges.
22. Separate orphans' court.—Register of wills to be clerk thereof.
23. Style of process and indictment.
24. Review in Supreme Court in criminal cases.
25. Vacancies in courts, how filled.

Section

26. Uniform laws of courts.—Special courts prohibited.
27. Parties may submit issues of fact to the court.—Appeals.

ARTICLE VI.

*Impeachment and Removal from Office.*

1. Impeachment.
2. How tried.
3. What officers impeachable.—Judgment.
4. Condition of official tenure.—Removal.

ARTICLE VII.

*Oath of Office.*

1. General oath of office.

ARTICLE VIII.

*Suffrage and Elections.*

1. Qualifications for voters.
2. General elections.
3. Municipal elections.
4. Elections to be by ballot and ballots numbered.—Indorsements thereon authorized.
5. Electors privileged from arrest.
6. Soldier voting.
7. Election laws to be uniform, but unregistered electors may vote.
8. Corruption to disqualify voters.—Challenge.
9. Candidates guilty of bribery, etc., disqualified for holding office.—Willful violation of election laws, to disqualify for voting.
10. Witnesses not to withhold testimony in election cases.
11. Election districts.
12. Representatives to vote viva voce.
13. Residence of voters not gained or lost in certain cases.
14. Election boards.—Clerks.—Vacancies.—Privileges of election officers.
15. Government officers and employes disqualified to serve as election officers.—Ineligibility of election officers.

Section

16. Courts of Common Pleas may appoint overseers of election.
17. Trial of contested elections.

ARTICLE IX.

*Taxation and Finance.*

1. Taxes to be uniform.—Exemption.
2. Limitation of power to exempt.
3. Power to tax corporations not to be surrendered.
4. Power to make debts.
5. Moneys borrowed to be used for the purpose specified.
6. State credit not to be loaned.
7. Municipalities not to become stockholders, etc.
8. Municipal debts limited.
9. No assumption of municipal debts by State.
10. Repayment of municipal debt to be provided for.
11. Sinking fund.
12. The moneys of the State.
13. Reserve in treasury.
14. Reserve not to be converted to private use.

ARTICLE X.

*Education.*

1. Public schools to be maintained.—Amount appropriated.
2. No appropriation to sectarian schools.
3. Women eligible to school offices.

ARTICLE XI.

*Militia.*

1. Organization of militia.—Exemption authorized.

ARTICLE XII.

*Public Officers.*

1. Selection of public officers.
2. Federal officers disqualified for State office.
3. Dueling disqualifies for office.

ARTICLE XIII.

*New Counties.*

1. Limitation of power to create counties.

## ARTICLE XIV.

*County Officers.*

## Section

1. County officers.
2. Election and term.—Vacancies.
3. Residence of county officers.
4. Offices to be kept in county town.
5. Compensation.
6. Accountability of municipal officers.
7. County commissioners and auditors to be chosen by limited vote.—Vacancies, how filled.

## ARTICLE XV.

*Cities and City Charters.*

1. General laws to establish cities.
2. Municipal commissions not to incur debts except on appropriations.
3. Sinking funds in cities.

## ARTICLE XVI.

*Private Corporations.*

1. Unused charters to be void.
2. No charter to be validated or amended except on condition.
3. Right of eminent domain not to be abridged or police power limited.
4. Cumulative voting in stockholder elections.
5. Foreign corporations to have places of business in State.
6. Corporations not to engage in business unauthorized by charters.
7. Fictitious increase of stock or bonds forbidden.
8. Taking of private property to be compensated.
9. Bank notes and bills to be secured.
10. Repeal of charter authorized.—No law to create more than one charter.
11. Notice of bills to create banks.—Bank charters limited to twenty years.
12. Telegraph lines.
13. The word "corporation" defined.

## ARTICLE XVII.

*Railroads and Canals.*

## Section

1. Railroads and canals, public highways.—Shall have connection and use of connecting roads.
2. To keep offices in the State.
3. Discriminations in charges for freight and passengers prohibited.
4. Consolidation with competing companies prohibited.
5. Common carrier corporations not to engage in mining, etc.
6. Officers, etc., of companies not to engage in transportation business.
7. No discrimination in charges to transporters.
8. Free passes on railroads prohibited.
9. Passenger railroads not to be constructed without consent of municipal authorities.
10. Acceptance of this article by companies.
11. Duties of Auditor-General as to companies transferred to Secretary of Internal Affairs.
12. General Assembly to enforce the provisions of this article.

## ARTICLE XVIII.

*Future Amendments.*

1. Amendments may be proposed by Legislature.—Amendments not to be submitted oftener than once in five years.

## SCHEDULE.

1. When Constitution to take effect.
2. Laws in force.
3. Senators to be elected when there are vacancies.
4. To be elected from even districts.
5. First election for Governor.
6. Lieutenant-Governor, when to be elected.
7. Secretary of Internal Affairs.



Section

8. Superintendent of Common Schools, office to cease.
9. Re-election.
10. Supreme Court judges.
11. Courts of Record.
12. Register's courts to be abolished.
13. Judicial districts.
14. The same of the census.
15. Judges to hold office.
16. Presiding judge.
17. Compensation of judges of Supreme Court.
18. Courts of Common Pleas.
19. In regard to judges.
20. Courts.
21. Causes pending.

Section

22. The same.
23. The prothonotary of Court of Common Pleas.
24. Aldermen in cities over 50,000 inhabitants.
25. Philadelphia magistrates.
26. Term of those in office to continue till it expires.
27. As to the seventh article.
28. County commissioners and auditors, terms of office.
29. Salaries of officers.
30. All State and judicial officers to take oath of office.
31. Laws to be passed.
32. Certain ordinance to be valid.
33. County commissioners, defined.

RHODE ISLAND.

ARTICLE I.

*Declaration of Rights.*

Section

1. Right of the people to make and alter their constitution.
2. Object of government.—How laws should be made and burdens distributed.
3. Religious freedom secured.
4. Slavery prohibited.
5. Laws should provide remedies.—Justice should be free, complete, prompt.
6. Rights of search and seizure regulated.
7. Provisions concerning criminal proceedings.
8. Bail, fines and punishments.
9. Bail and habeas corpus.
10. Rights of the accused in criminal proceedings.
11. Debtors entitled to relief.
12. No ex post facto law, etc., to be passed.
13. No man to criminate himself.
14. Presumption of innocence.—Accused to be secured without severity.
15. Trial by jury.
16. Private property secured.

Section

17. Rights of fishery.
18. Military subordinate.—Martial law.
19. Of quartering soldiers.
20. Liberty of press secured.—Truth as a defense to libels.
21. Right of people to assemble, and to petition.
22. Right to bear arms.
23. Rule of construction.

ARTICLE II.

*Electors.*

1. Of electors owning real estate.
2. Of electors qualified to vote on adoption of Constitution.—Registered voters.—Qualified by dollar tax.—Military duty.—Who to vote for city council in Providence, to impose a tax, etc.
3. Of assessment and payment of registry tax.
4. Who shall not gain residence, or be permitted to vote.
5. Residents on land ceded, etc., not electors.
6. Power of General Assembly over elections.

## ARTICLE III.

*Powers Distributed.*

Three departments.

## ARTICLE IV.

*Legislative Power.*

## Section

1. Constitution supreme law.
2. Two houses.—General Assembly.  
---Style of laws.
3. Sessions of General Assembly.
4. Members not to take fees, etc.
5. Members exempt from arrest, etc.
6. Powers of each house.—Organization.
7. Powers to make rules, etc.
8. Of the journals, and yeas and nays.
9. Of adjournments.
10. Of powers not prohibited.
11. Pay of members.
12. Lotteries prohibited.
13. Debts not to be incurred.
14. Private or local appropriations.
15. Of valuations of property and assessments.
16. Officers may be continued until successors qualified.
17. Bills to create corporations to be continued, except, etc.
18. Of election of Senators in Congress.

## ARTICLE V.

*House of Representatives.*

1. House, how constituted.—Ratio of representation.
2. May elect its officers, etc.

## ARTICLE VI.

*Senate.*

1. How constituted.
2. Governor to preside.—When to vote in grand committee.
3. May elect presiding officer in case of vacancy, etc.
4. Secretary and other officers.

## ARTICLE VII.

*Executive.*

1. Of the Governor and Lieutenant-Governor.—How elected.
2. Duty of Governor..
3. He shall command military and naval forces, except, etc.
4. He may grant reprieves, etc.
5. He may fill vacancies.
6. He may adjourn Assembly, in case, etc.
7. He may convene Assembly, when, etc.
8. Commissions, how signed, etc.
9. Lieutenant-Governor, when to act as Governor.
10. Vacancies, how filled.
11. Compensation of Governor, etc.
12. Duties of general officers.

## ARTICLE VIII.

*Election.*

1. Governor and general officers, when elected.
2. General officers and Members of Assembly.—How voted for.
3. Same subject.—How votes to be sealed up, transmitted and counted.
4. List of voters to be kept. (Obsolete.)
5. Ballots for Members of Assembly, how counted.—Adjournment of elections, when.
6. Of voting in the city of Providence.
6. If Governor or Lieutenant-Governor not elected by people, grand committee to elect.—How.
8. In case general officers not elected by people, how vacancies shall be filled.
9. Vacancies in Assembly, how filled.
10. Majority required to elect.

## ARTICLE IX.

*Qualifications of Office.*

1. Qualified electors only eligible.
2. Conviction of bribery a disqualification.

Section

3. Oaths of general officers.
4. Officers, how engaged.
5. How oath to be administered to Governor, etc.
6. Holding office under United States, or other government, a disqualification for certain offices, except, etc.

ARTICLE X.

*Judiciary.*

1. One Supreme Court.—Inferior courts, how established.
2. Jurisdiction of courts.—Chancery powers.
3. Judges of Supreme Court to instruct jury.—To give opinions, etc.
4. Of election and tenure of office of judges of Supreme Court.
5. Vacancies, how filled.
6. Compensation of judges.
7. Justices of the peace and wardens, how elected.—Their jurisdiction.

ARTICLE XI.

*Impeachments.*

1. Impeachments, how ordered.
2. Impeachments, how tried.
3. What officers liable to impeachment.—Effect of conviction.

ARTICLE XII.

*Education.*

1. Duty of General Assembly to promote schools, etc.
2. The permanent school fund.
3. Donations for support of schools.
4. Power of General Assembly under this article.

ARTICLE XIII.

*Amendments.*

1. Amendments, how proposed, how voted upon, how adopted.

ARTICLE XIV.

*Adoption of Constitution.*

1. Constitution, when to go into

Section

- effect.—Its effect on existing laws, charters, etc.
2. Former debts, etc., adopted.
3. Jurisdiction of Supreme Court..
4. Exemptions of New Shoreham and Jamestown from military duty, continued.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

List of voters for general officers no longer to be kept, etc.

ARTICLE II.

The pardoning power, how exercised.

ARTICLE III.

Sessions of the General Assembly.

ARTICLE IV.

Electors absent from the State in the military service of the United States allowed to vote.

ARTICLE V.

Manufacture and sale of intoxicating liquors as a beverage prohibited.

ARTICLE VI.

Suffrage granted to foreign-born soldiers and sailors.

ARTICLE VII.

Suffrage granted to foreign-born citizens.

ARTICLE VIII.

Article V, Prohibitory Amendment, repealed.

ARTICLE IX.

General Assembly to provide for the creation of corporations.

In all popular elections the one having the largest number of votes shall be elected.

SOUTH CAROLINA.

ARTICLES.

Article

1. Declaration of rights.
2. Legislative department.
3. Executive department.
4. Judicial department.
5. Jurisprudence.
6. Eminent domain.
7. Impeachments.
8. Right of suffrage.
9. Finance and taxation.
10. Education.
11. Charitable and penal institutions.
12. Corporations.
13. Militia.
14. Miscellaneous.
15. Amendment and revision of the Constitution.
16. Amendments.

ARTICLE I.

*Declaration of Rights.*

Section

1. All men are equal and have the right of defending their lives and liberties and of acquiring property.
2. Slavery and involuntary servitude, except as a punishment for crime, prohibited.
3. All political power is vested in the people.
4. Paramount allegiance to the Constitution and government of the United States.
5. This State shall ever remain a member of the American Union.
6. The people have the right to assemble peaceably to consult for the common good.
7. Freedom of speech and of the press.
8. In prosecutions for libel the truth may be given in evidence.

Section

9. Freedom of religious worship.
10. There shall be no established religion.—Laws shall be passed to protect religious denominations.
11. The right of trial by jury shall remain inviolate.
12. Personal rights.
13. Rights of accused persons.—Not compelled to testify against himself.
14. Ex post facto laws prohibited.
15. All courts shall be public and justice shall be administered without delay.
16. Right of bail.—Excessive shall not be required nor cruel punishments inflicted.
17. The privilege of the writ of habeas corpus.
18. No one shall be twice put in jeopardy for the same offense.
19. All offenses less than felony.—How tried.—No person shall be held to answer for any higher crime unless on presentment of a grand jury.
20. No imprisonment for debt.
21. Obligations of contracts.—No conviction shall work corruption of blood, etc.
22. Unreasonable searches and seizures prohibited.
23. Private property shall not be taken for public use without just compensation.
24. The laws shall not be suspended except by the General Assembly.
25. Only those in the army or navy shall be subject to martial law.
26. The legislative, executive and judicial powers of the government shall be separate and distinct.

Section

27. Redress of grievances.
28. The people have the right to bear arms for the common defense.—The military subordinate to the civil authority.
29. In time of peace soldiers may not be quartered in any house without the consent of the owner.
30. No person with scruples against bearing arms shall be compelled to do so.
31. All elections shall be free and open.
32. No property qualifications necessary for an election or to hold office.—Any person who shall fight a duel shall be debarred from holding office.
33. Right of suffrage.
34. Apportionment of representation.—No person shall be disfranchised except by law.
35. Temporary absence from the State shall not forfeit residence.
36. Taxation of property.—Right of life, liberty and property.
37. Impost taxes and duties shall not be established without the consent of the people.
38. Excessive fines and cruel punishment prohibited, nor shall witnesses be unnecessarily detained.
39. Titles of nobility and distinctions of race and color prohibited.
40. All navigable waters shall remain forever public highways.
41. The enumeration of rights in this Constitution shall not impair others retained by the people.

ARTICLE II.

*Legislative Department.*

1. The legislative power of the State shall be vested in the Senate and House of Representatives.
2. Representatives.—How chosen.

Section

3. Judicial districts.
4. House of Representatives shall consist of 124 members.
6. Assignment of Representatives.
7. When to take effect.
8. The Senate.—Number of.—Term of office.
9. They shall be divided into two classes.
10. To be eligible as a Senator or Representative.
11. The first election for Senators and Representatives.
12. Time of meeting of the General Assembly.
13. When term of office begins.
14. Each house shall judge of the election and qualifications of its own members.—A majority shall constitute a quorum.
15. Each house shall determine its own rules and punish its members.
16. Each house may punish persons not members, etc.
17. Members to have certain privileges.
18. Bills for raising revenue shall originate in the House of Representatives.
19. The style of the laws.
20. But one subject, which shall be expressed in the title.
21. Bills to be read three times.—Must be signed by the President of the Senate and Speaker of the House.
22. No money to be drawn from the treasury but by appropriation.
23. Pay of members.
24. In all elections by the General Assembly the vote shall be viva voce.
25. Neither house may adjourn for more than three days.
26. Each house shall keep a journal.
27. The doors of each house shall be open.

Section

28. No person shall be eligible to the General Assembly who holds any other office of profit, etc.
29. Failure to elect.—Refusal to qualify.—Writs of election.
30. Oath of office.
31. Cause of removal from office.
32. The homestead of the head of the family exempt from attachment.
33. Taxes on property, real and personal.

ARTICLE III.

*Executive Department.*

1. The supreme executive authority is vested in the Governor.
2. The manner of electing the Governor.—Term of office two years.—May be re-elected.
3. To be eligible to the office of Governor.
4. The returns of election of Governor.—The person having highest number of votes elected.—In case of tie.—Contested elections.
5. Election of Lieutenant-Governor.—President of the Senate.
6. He shall only vote in case of tie.
7. The Senate shall choose a President pro tem.
8. Vacation of seats.
9. When the duties of Governor shall devolve on Lieutenant-Governor.
10. The Governor shall be Commander-in-Chief of the militia.
11. Pardonng power vested in the Governor.
12. He shall see that the laws are executed.
13. Compensation of Governor and Lieutenant-Governor.—It shall not be increased nor diminished.
14. Executive officers to report to the Governor.
15. The Governor's message.
16. He may on extraordinary occa-

Section

- sions convene the General Assembly.
17. He shall commission officers.
18. Seal of State.
19. Grants and commissions.—How issued.
20. Oath of office.
21. Residence of Governor.
22. Bills which have passed the General Assembly to be signed by the Governor.—He may sign or veto.—May be passed over his veto.
23. Comptroller-General, Treasurer, Secretary of State.—Term of office, duties and compensation prescribed by law.

ARTICLE IV.

*Judicial Department.*

1. The judicial power of the State is vested in the Supreme and certain other courts.
2. The Supreme Court.—Number of judges.—Quorum.—How elected.—Term of office six years.—To be classified.
3. The Chief Justice and associates.—Their terms.
4. The Supreme Court shall have appellate jurisdiction.
5. Sessions of the same.
6. No judge shall, if interested, etc.
7. The judge of said court shall appoint a reporter and clerk.
8. When a judgment or decree is reversed.
9. Compensation of judges of Supreme and Circuit Courts.—Not to have fees nor hold any other office.
10. To be eligible as judge of Supreme and Circuit Courts.
11. Vacancies.—How filled.
12. Decisions.—Concurrence of two judges necessary.
13. The State to be divided into Circuits.
14. Interchanging.
16. Court of Common Pleas.—Its terms and jurisdiction.

Section

17. Preservation of records.
18. Jurisdiction of Court of General Session.
19. Repealed.
20. Probate Court.—Its jurisdiction.
21. Justices of the peace.—Term of office two years.
22. Jurisdiction of the same.
23. Powers of the same.
24. Right of appeal.
25. Judges of Probate.—County commissioners.—Justices of the peace and constables, their compensation.
26. How judges shall charge juries.
27. Clerks of courts.
28. Attorney-General.—His election.—Duties.—Term of office and compensation.
29. Solicitors.—Their election.—Term of office and compensation.
30. Sheriffs and coroners, term of office four years.
31. Writs and processes.
32. Decisions of the Supreme Court.
33. The fourteenth article of amendment of the United States Constitution shall be ratified.
34. Slave contracts void.

ARTICLE V.

*Jurisprudence.*

1. Differences may be decided by arbitrators.
2. The General Assembly shall pass all laws necessary for the change of venue.
3. Codification of the laws.

ARTICLE VI.

*Eminent Domain.*

1. The State shall have concurrent jurisdiction on all rivers bordering on the State.
2. Land titles.
3. Ultimate right of property.

ARTICLE VII.

*Impeachment.*

1. The sole power of impeachment is vested in the House of Representatives.

Section

2. Impeachments shall be tried by the Senate.
3. All executive officers liable.—Judgment not to extend beyond removal from office.
4. Causes of impeachment.

ARTICLE VIII.

*Right of Suffrage.*

1. Popular elections shall be by ballot.
2. Qualifications of electors.
3. Registration of electors.
4. Residence not lost by reason of absence in the service of the United States.
5. Soldiers and seamen not deemed residents by reason of being stationed in this State.
6. Electors exempted from arrest.
7. Electors eligible for any office.
8. Those deprived of the right of suffrage.
9. Presidential electors.
10. The person receiving the highest number of votes elected.
11. The term of residence necessary to hold office not applicable to, etc.
12. Former slaves not disfranchised.

ARTICLE IX.

*Finance and Taxation.*

1. Assessment and taxation.
2. Poll tax.
3. An annual tax sufficient to defray the expenses of the State shall be provided for.
4. The object of a tax to be stated.
5. Public, charitable and certain other institutions to be exempted from taxation.
6. Valuation and assessment of lands.
7. The State may contract public debts for extraordinary expenditures.
8. Municipal taxation.
9. Incorporation of cities and towns.
10. Evidences of State indebtedness.
11. A statement of receipts and expenditures to be published.

## Section

12. No money drawn from treasury but by appropriation.
13. The fiscal year shall commence on November first of each year.
14. State bonds.
15. State, county and school funds.
16. Secession debts shall never be paid.
17. Any bonded debt contracted by any subdivision of the State shall never exceed eight per centum, etc.

## ARTICLE X.

*Education.*

1. Superintendent of Education.— His election.— Powers, duties, etc., to be defined by General Assembly.
2. School commissioners.— Board of education.
3. Free schools to be kept at least six months in each year.
4. Compulsory attendance.
5. Property to be taxed for the support of schools.
6. A Normal school to be established.
7. Institutions for the blind, deaf and dumb.
8. A reform school to be established.
9. State University and Agricultural College.
10. Public schools open to all without regard to race or color.
11. The school fund.

## ARTICLE XI.

*Charitable and Penal Institutions.*

1. Institutions for the deaf, dumb, blind, etc.
2. Directors of the penitentiary.
3. Directors of benevolent and other State institutions.
4. The Governor to fill vacancies.
5. Poor laws.
6. Lunatic asylum.

## ARTICLE XII.

*Corporations.*

1. They may be formed under general laws.

## Section

2. Corporations shall be taxed.
3. No right of way shall be appropriated without full compensation.
4. Dues from corporations.
5. The personal liberty of stockholders to be fixed.
6. Charters for banking purposes.

## ARTICLE XIII.

*Militia.*

1. To consist of whom.
2. The Governor has the power to call them out.
3. There shall be an Adjutant and Inspector-General.

## ARTICLE XIV.

*Miscellaneous.*

1. Qualifications for office.
2. Lotteries and the sale of tickets prohibited.
3. The State library.
4. Claims against the State.
5. Divorces.
6. Disqualification for office.
7. Printing for the General Assembly.
8. Woman's property.
9. Removal of causes.
10. Time of election of State officers.

## ARTICLE XV.

*Amendment and Revision of the Constitution.*

1. Amendments may be proposed in either house.
2. If two or more amendments shall be submitted at the same time.
3. Constitutional conventions.

## AMENDMENTS.

## Article XVI.

Prohibiting creation of debt, without consent of the people.  
 Amendment to Article II, Section 11.  
 Changing election from October to November.



# INDEX.

clxxxiii

Amendment to Article III, Section 23.  
 Changing term of office of certain State officers.  
 Amendment to Article II, Section 3.  
 "Toxaway" substituted for "White Water."  
 Amendment to Article X, Section 5.  
 Tax of two mills for public schools.

Amendment to Article II, Section 32.  
 As to homestead, amended.  
 Amendment to Article II, Section 11.  
 Biennial elections to be fixed by Legislature.  
 Amendment to Article VIII, Section 8.  
 Burglary, larceny, perjury, forgery or any other infamous crime added to disqualifications.

## SOUTH DAKOTA.

### ARTICLE I.

#### *Name — Boundary.*

##### Section

1. The name of the State shall be South Dakota.
2. The boundaries.

### ARTICLE II.

#### *Division of the Powers of Government.*

1. The Executive, Legislative and Judicial.

### ARTICLE III.

#### *Legislative Department.*

1. The legislative power is vested in the Legislature.
2. There shall be not less than seventy-five nor more than one hundred and thirty-five Representatives, and the number of Senators shall not be less than twenty-five nor more than forty-five.—The sessions shall be biennially.
3. To be eligible to the office of Senator.—To be eligible to the office of Representative.—Those who are not eligible to the Legislature.
4. Bribery and perjury debar from holding office.
5. The census shall be taken in 1895 and every ten years thereafter.
6. The term of office of members of the Legislature.—Their pay and mileage.—Each regular session shall not exceed sixty days.

##### Section

7. The place and time of the first meeting of the Legislature.
8. They must take the oath or affirmation.
9. Each house shall be the judge of the election and qualification of its own members.
10. The Governor to issue writs of election to fill vacancies.
11. Members of the Legislature to be privileged from arrest.
12. They may not hold any civil office in the State during their term.
13. Each house shall keep a journal.
14. On all elections made by the Legislature the vote shall be viva voce.
15. The sessions of each house shall be open, except.
16. They may not adjourn for more than three days.
17. Every bill to be read three times.
18. The enacting clause of a law shall be.
19. The presiding officer of each house shall sign all bills.
20. A bill may originate in either house.
21. No law shall embrace more than one subject.
22. No act shall take effect until ninety days after the adjournment, etc.

**Section**

23. Private and special laws may not be enacted in the following cases.
24. The indebtedness or liability of any corporation or individual may not be released.
25. Lotteries illegal.
26. Municipal improvements may not be interfered with by the Legislature.
27. Suits may be brought against the State.
28. Bribery shall be punished as provided by law.

**ARTICLE IV.***Executive Department.*

1. Executive power is vested in the Governor.—A Lieutenant-Governor shall be elected at the same time and for the same term.
2. To be eligible for the office of either.
3. Their manner of election.—In case of tie.
4. The Governor shall be commander-in-chief of militia.
5. He shall grant pardons and reprieves.
6. When his duties shall devolve upon the Lieutenant-Governor.
7. The Lieutenant-Governor shall be president of the Senate and shall have a casting vote therein.
8. Vacancies to be filled by the Governor.
9. Every bill to be signed by the Governor.
10. He may disapprove of any item or items.
11. If he accepts a bribe.
12. Other State officers which are to be chosen by qualified electors.
13. Their powers and duties.

**ARTICLE V.***Judiciary.*

1. The judicial powers of the State shall be vested in a Supreme, Circuit, County Court, etc.

**Section**

2. The Supreme Court.—Its jurisdiction.
3. Its powers.
4. There shall be at least two terms of the same.
5. It shall consist of two judges.
6. The number of judges and districts may be increased.
7. A majority necessary to form a quorum.
8. Their term of office shall be four years for those elected at the first election.—Afterwards it shall be six years.
9. The presiding judge to be selected.
10. To be eligible to the office of judge of said court.
11. Until otherwise provided, the districts from which said judges shall be elected are as follows.
12. Other officers of the Supreme Court.—Their pay and term of office.
13. The Governor shall have the authority to require opinions of judges of the Supreme Court.
14. Circuit Courts.—Their jurisdiction.
15. The State shall be divided into judicial circuits.
16. Said circuits shall be as follows.
17. The number of judicial circuits and judges may be increased.
18. Writs of error and appeal may be allowed.
19. County courts and judges.
20. They shall be courts of record.—Their jurisdiction.
21. They shall have jurisdiction in certain cases.
22. Justices of the peace.—Their jurisdiction.
23. Police magistrates.—Their jurisdiction.
24. The State's Attorney.—His duties and compensation.
25. To be eligible to the office of judge of Circuit and County Courts.

**Section**

26. Judges of the Supreme, Circuit and County Courts.—When chosen and elected.
27. The time of holding courts within the said judicial circuits and counties shall be provided by law.
28. Special terms of said courts may be held.
29. Judges of Circuit Courts may hold court in other circuits than their own.
30. The salary of judges of the Supreme, Circuit and County Courts.
31. They may not act as attorneys-at-law.
32. Clerk of the Circuit and County Court.—His election, duties and compensation.
33. The terms of the courts to be fixed by the judges thereof until otherwise provided for by law.
34. All laws relating to courts shall be general and of uniform operation.
35. No judge shall be eligible to any other than a judicial office.
36. All judges and other officers of the Supreme, Circuit and County Courts shall hold their office until their successors are qualified.
37. All officers provided for in this article shall reside in the district from which they are elected.
38. The style of all process shall be.

**ARTICLE VI.**

*Bill of Rights.*

1. All men are born equally free and have certain inherent rights.
2. No person shall be deprived of life, liberty or property without due process of law.
3. Freedom of religious worship and thought.—No sectarian institution shall be supported by the State.
4. The people have the right to

**Section**

- assemble peacefully to consult for the common good.
5. Freedom of speech.—In trials for libel the truth may be given in evidence.
6. The right of trial by jury shall remain inviolate.
7. The rights of those accused in criminal prosecution.
8. Bail shall be accepted except for capital offenses.
9. No person put in jeopardy twice for the same offense.
10. No person shall be held for criminal offense unless on the presentment or indictment by the grand jury, etc.
11. Unreasonable searches and seizures forbidden.
12. No ex post facto law.
13. Private property shall not be taken for public use without just compensation.
14. Resident aliens shall have the same rights as citizens in regard to property.
15. No person shall be imprisoned for debt.
16. The military subordinate to the civil power.—Quartering of soldiers.
17. Taxes to be by the consent of the people.
18. No special privileges or immunities shall be granted.
19. Elections shall be free and equal.
20. All courts shall be open and justice shall be had without denial or delay.
21. The Legislature alone may suspend the laws.
22. No person shall be attainted of treason or felony by the Legislature.
23. Excessive bail or excessive fines shall not be required nor cruel punishments inflicted.
24. The right of citizens to bear arms.
25. Treason against the State defined.
26. All political power is inherent in the people.

## Section

27. The blessings of a free government maintained by a firm adherence to justice, moderation, temperance, frugality and virtue.

## ARTICLE VII.

*Elections and Right of Suffrage.*

1. Qualifications for voting.
2. Shall the word "male" be stricken from the article of the Constitution relating to election and right of suffrage.
3. All votes shall be taken by ballot.
4. General elections shall be biennial.
5. Electors to be privileged from arrest.
6. They shall not be deemed to have lost residence by reason of absence on business of the United States or this State.
7. Soldiers of the United States shall not gain a residence in consequence of being stationed in this State.
8. Those who may not be qualified to vote.
9. Women having the qualifications enumerated in section one may vote in school elections.

## ARTICLE VIII.

*Education and School Lands.*

1. Uniform system of public schools to be maintained.
2. The proceeds of the sale of public lands to be used for the public schools.
3. The interest and income of this fund together with all net proceeds of fines shall be applied to school funds.
4. Lands granted by the United States for the use of public schools may be sold upon the following conditions and no other.
5. No land shall be sold for less than ten dollars an acre.—Terms of sale.
6. All sales shall be conducted

## Section

- through the office of the commissioner of schools and public lands.
7. The public school fund shall be perpetual.—It may be increased, but never diminished.
  8. All lands mentioned in the preceding section shall be appraised and sold in the same manner as the public lands.
  9. In regard to the leasing of lands mentioned in this article.
  10. The law in regard to "Squatters."
  11. The permanent school fund shall be invested only in first mortgages, etc.
  12. The Governor may disapprove any sale, etc.
  13. In regard to defalcation of the public school fund.
  14. School lands to be protected from trespasses.
  15. School corporations may levy additional taxes.
  16. Sectarian schools shall not receive State aid.
  17. No teacher or officer shall be interested in the sale of books, etc.

## ARTICLE IX.

*County and Township Organization.*

1. The Legislature shall provide by general law for organizing new counties, etc.
2. Location of the county seat.
3. It may be changed.
4. Counties may be organized into townships.
5. County officers to be elected every two years.
6. The Legislature shall provide by law for county, township and district officers.
7. They shall be electors.

## ARTICLE X.

*Municipal Corporations.*

1. They shall be provided for by general law.
2. In regard to the assessment and levying of taxes.

Section

3. Street railway, telegraph or telephone companies must have the consent of the local authorities.

ARTICLE XI.

*Revenue and Finances.*

1. The estimated expenses of the State shall be provided for by taxation.
2. All taxes on real and personal property shall be uniform.
3. The power to tax corporation property shall not be surrendered.
4. Moneys, credits and investments, etc., to be taxed.
5. Property exempt from taxation.
6. Other property exempt from taxation.
7. Laws exempting property from taxation other than those in sections 5 and 6 of this article, shall be void.
8. No tax shall be levied except in pursuance of law.
9. State taxes shall be paid into the State treasury.
10. The corporate authority of towns, cities and villages shall have the power to make local improvements by taxation.
11. The making of profit out of public money shall be deemed a felony.
12. A statement of receipts and expenditures of public moneys shall be published yearly.

ARTICLE XII.

*Public Accounts and Expenditures.*

1. No money shall be paid out of the treasury except upon appropriation.
2. Appropriation bills shall embrace nothing but appropriations.
3. Extra compensation shall not be granted to any public officer, etc.
4. An itemized statement of all receipts and expenditures of public moneys shall be published annually.

ARTICLE XIII.

*Public Indebtedness.*

Section

1. Neither the State, nor any of its subdivisions, shall loan or give its credit.
2. The State may contract debts not to exceed \$100,000.
3. Indebtedness of the State limited by section 2 shall be in addition to the debt of the Territory, assumed and paid by the State.
4. The debt of any subdivision of the State shall never exceed five per cent upon the valuation of taxable property therein.
5. Any subdivision of the State, before incurring indebtedness, shall provide for the collection of an annual tax, etc.
6. In regard to the payment of debts and liabilities contracted by and in behalf of the Territory of Dakota, etc.
7. The State of South Dakota hereby obligates itself, etc.
8. Refunding bonds may be issued to the amount of \$107,500, bearing interest at four per cent, etc.

ARTICLE XIV.

*State Institutions.*

1. The charitable and penal institutions of the State.
2. They shall be under the control of the State.
3. State educational institutions.
4. Board of trustees shall hold their office for five years.

ARTICLE XV.

*Militia.*

1. Those eligible for the militia.
2. They shall be uniformed, equipped and disciplined.
3. In organizing the militia, it shall conform as nearly as possible to the armies of the United States.
4. Militia officers shall be commissioned by the Governor.

## Section

5. Except in certain cases, the militia shall be privileged from arrest.
6. Military records, banners, etc., shall be preserved in the office of the Adjutant-General.
7. No person having conscientious scruples against bearing arms shall be compelled to do military duty in time of peace.

## ARTICLE XVI.

*Impeachment and Removal from Office.*

1. The sole power of impeachment is in the House of Representatives.
2. Shall be tried by the Senate.
3. Which officers are liable to impeachment.
4. Other officers subject to removal.
5. May not exercise the duties of office after impeachment.
6. On trial of impeachment against the Governor, the Lieutenant-Governor shall not act as a member of the court.
7. To be served with a copy of impeachment at least twenty days before trial.
8. No person liable to impeachment twice for the same offense.

## ARTICLE XVII.

*Corporations.*

1. The Legislature shall provide by general laws for the organization of corporations.
2. All existing charters under which organization shall not have taken place at the time this Constitution takes effect, shall be valid.
3. The Legislature shall not remit the forfeiture of the charter of any corporation now existing.
4. The right of eminent domain.
5. In all elections for directors or managers of corporations, each shareholder may cast the whole number of his votes for one

## Section

- candidate, or distribute them upon two or more.
6. Corporations to do business in this State must have one or more places of business.
7. No corporation shall engage in any business other than that authorized in its charter.
8. In regard to the right of corporations to issue stocks or bonds.
9. The Legislature shall have the power to alter, revise or annul the charter of any corporation now existing.
10. The right to construct or operate a street railroad within any city, town or incorporated village, to be granted by the local authorities.
11. Telegraph companies may construct and maintain lines and connect with other lines within the State.— They may not consolidate with competing lines.
12. Railroads doing business within this State shall maintain a public office within the State.— The directors of every railroad corporation shall make an annual report.
13. The rolling stock and other movable property of railroads shall be considered personal property.
14. No railroad corporation shall consolidate with any parallel or competing line.
15. Railroads are declared public highways and railroad companies common carriers.
16. Railroads may connect with other roads.
17. Laws shall be passed to correct abuses and prevent extortion in the rates of freight and passenger tariffs.
18. Private property taken for public use shall have just compensation.
19. The term corporation defined.

ARTICLE XVIII.

*Banking and Currency.*

Section

1. If a general banking law shall be enacted, etc.
2. Every banking company shall cease all banking operations within twenty years.
3. The stockholders shall be held individually responsible for the debts of the bank.

ARTICLE XIX.

*Congressional and Legislative Apportionment.*

1. Until otherwise provided by law, the United States representatives shall be elected by the State at large.
2. The senatorial and representative districts shall be as follows.

ARTICLE XX.

*Seat of Government.*

1. The location of a temporary seat of government.
2. A temporary seat of government shall be provided for.
3. In case of tie in choice of seat of government.

ARTICLE XXI.

*Miscellaneous.*

1. The seal and coat of arms of the State.
2. Compensation of public officers.
3. Oath of office.
4. Exemptions.
5. Rights of married women.

ARTICLE XXII.

*The Compact With the United States.*

1. The compact.

ARTICLE XXIII.

*Amendments and Revision of the Constitution.*

1. Amendments may be proposed from either house.
2. The Constitution may be revised.

ARTICLE XXIV.

*Prohibition.*

Section

1. To be voted on.

ARTICLE XXV.

*Minority Representation.*

1. The House of Representatives shall consist of three times the number of the members of the Senate.—Term of office two years.
2. The manner of voting for the same.

ARTICLE XXVI.

*Schedule and Ordinance.*

1. In order to avoid inconvenience by a change from a Territorial to State government.
2. All moneys accruing to the Territory shall accrue to the State.
3. All bond obligations and other undertakings, undertaken before this Constitution, shall remain valid.
4. All officers holding office under the Territory shall continue.
5. This Constitution shall be submitted to the electors.
6. The temporary seat of government shall be determined on.
7. The election provided for herein shall be under the provisions of the Constitution herewith submitted.
8. The votes to be counted after election and the return to be certified to.
9. Within five days after election the results of the elections shall be canvassed.
10. When two or more counties are connected in one senatorial or representative district, clerks and auditors have certain duties to perform.
11. The Secretary of the Territory shall receive all returns.
12. The apportionment made in this Constitution shall govern the election.

# INDEX.

## Section

13. When the Legislature elected under the provisions of this Constitution shall assemble.
14. The oath of office to be taken, and the election of two United States Senators shall be made.
15. After their election the Legislature shall adjourn.
16. In regard to what is contained in the Constitution and schedule.
17. The ordinances and schedule are held to be valid.
18. That we, the people of South Dakota, do ordain, etc.

## Section

19. The tenure of officers elected as provided for in this schedule.
20. When the first general election under the provisions of this Constitution shall be held.
21. The form of ballot.
22. The Constitution, after being signed by the convention, etc.
23. The agreement made by the joint commission of the constitutional conventions of North and South Dakota in regard to the Territory, is ratified and confirmed.

# TENNESSEE.

## Article

1. Declaration of rights.
2. Distribution of powers.
3. Executive department.
4. Elections.
5. Impeachments.
6. Judicial department.
7. State and county officers.
8. Militia.
9. Disqualifications.
10. Oaths, bribery of elections, new counties.
11. Miscellaneous provisions. The schedule.

## ARTICLE I.

### *Bill of Rights.*

## Section

### Preamble.

1. All power is inherent in the people.
2. The government is instituted for the common benefit.
3. Freedom of religious thought and worship.
4. No political or religious test should be required as a qualification of office.
5. All elections to be free and equal, and the right of suffrage never denied.
6. The right of trial by jury shall remain inviolate.
7. The people shall be secure from

## Section

- unreasonable searches and seizures.
8. No man shall be deprived of his life, liberty or property but by the judgment of his peers or the law of the land.
9. In all criminal prosecutions the accused has the right to be heard for himself.
10. No person shall be put in jeopardy twice for the same offense.
11. No ex post facto laws shall be made.
12. No conviction shall work corruption of blood or forfeiture of estate.
13. No person arrested and confined in jail shall be treated with unnecessary rigor.
14. No person shall be put to answer any criminal charge but by presentment, indictment or impeachment.
15. All prisoners shall be bailable, except for capital offenses.
16. Excessive bail or fines shall not be required.
17. All courts shall be open and justice shall be administered without delay.



Section

18. No person shall be imprisoned for debt.
19. The printing presses shall be free to every person to examine the proceedings of the Legislature.
20. No law impairing the obligation of contracts shall be made.
21. No man's services or property shall be taken without just compensation being made therefor.
22. Perpetuities and monopolies shall not be allowed.
23. The people have a right to assemble in a peaceable manner to consult for the common good.
24. There shall be a militia.—No standing army.
25. No person shall be subject to military law except those employed in the army or militia.
26. The citizens have the right to keep and bear arms for their common defense.
27. No soldier shall, in the time of peace, be quartered in any house without the consent of the owner.
28. No person shall be compelled to bear arms, provided he will pay an equivalent.
29. An equal participation in the free navigation of the Mississippi is one of the inherent rights of the citizens of the State.
30. No hereditary emoluments, privileges or honors shall ever be granted or conferred in this State.
31. The boundary of the State shall be as follows.
32. The erection of safe and comfortable prisons shall be provided for.
33. Slavery and involuntary servitude are forever prohibited in this State.
34. The General Assembly shall make no law recognizing the right of property in man.

ARTICLE II.

*Distribution of Powers.*

Section

1. The powers of the government shall be the legislative, executive and judicial.
2. No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to any of the others.

*Legislative Department.*

3. The Legislative authority of this State shall be vested in a General Assembly.
4. An enumeration of the qualified voters and an apportionment of the Representatives in the General Assembly.
5. The number of representatives shall be.
6. The number of Senators shall be.
7. The first election of Senators and Representatives shall be held.
8. When the first session of the General Assembly shall commence.
9. Qualifications necessary to become a Representative.
10. Qualifications necessary to become a Senator.
11. The Senate and House of Representatives shall each choose a speaker.—Two-thirds in each house shall constitute a quorum.
12. Each house may determine the rules of its proceedings, punish its members for disorderly conduct and expel a member by a two-thirds vote.
13. When Senators and Representatives shall be privileged from arrest.
14. Each house may punish by imprisonment any person not a member, who shall be guilty of disrespect to the house.
15. The Governor shall have power to fill vacancies.

Section

16. In regard to the adjournment of the two houses.
17. Bills may originate in either house.---No bill shall embrace more than one subject.
18. Every bill shall be read once on three different days.
19. No bill shall be passed after it has been rejected (during the same session).
20. The style of the laws of this State shall be.
21. Each house shall keep a journal of its proceedings.
22. The doors of each house shall be kept open.
23. In regard to the salary of the members of the General Assembly.
24. No money shall be drawn from the treasury, except by appropriation.
25. In regard to the eligibility of members of the General Assembly.
26. No person holding any other office under the government shall have a seat in the General Assembly.
27. Any member of either house of the General Assembly shall have the liberty to protest against any act.
28. All property, real, personal or mixed, shall be taxed.
29. The General Assembly shall have the power to authorize the several counties and incorporated towns in this State to impose taxes.
30. No article manufactured in this State shall be taxed.
31. The credit of this State shall not be loaned or given.
32. No convention or General Assembly of this State shall act upon any amendment of the Constitution of the United States proposed by Congress to the several States.
33. No bonds of this State shall be issued to any railroad company.

ARTICLE III.

*Executive Department.*

Section

1. The supreme executive power of this State shall be vested in the Governor.
2. The Governor shall be chosen by the electors of the members of the General Assembly.
3. The Governor shall be at least thirty years of age.
4. His term of office.
5. He shall be Commander-in-Chief of the army and navy of this State.
6. He shall have the power to grant reprieves and pardons.
7. His compensation.
8. He may require information in writing from the members of the executive department.
9. He may on extraordinary occasions convene the General Assembly.
10. He shall see that the laws are faithfully executed.
11. He shall give the General Assembly information on such matters as he shall judge expedient.
12. In case of the removal of the Governor from office.
13. No person holding any other office under the government shall execute the office of Governor.
14. The Governor shall have the power to fill vacancies.
15. The seal of the State.
16. All grants and commissions shall be sealed with the State seal and signed by the Governor.
17. A Secretary of State shall be appointed by joint vote of the General Assembly.
18. Every bill shall be signed by the Governor.

ARTICLE IV.

*Electors*

1. Qualifications necessary to vote.
2. Laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes.

Section

3. When electors are privileged from arrest.
4. In all elections of the General Assembly the members thereof shall vote viva voce.

ARTICLE V.

*Impeachments.*

1. The House of Representatives shall have the sole power of impeachment.
2. All impeachments shall be tried by the Senate.
3. The House of Representatives shall elect three members, whose duty it shall be to prosecute impeachments.
4. Who shall be liable to impeachment.
5. Justices of the peace and other officers not hereinbefore mentioned shall be liable to indictment.

ARTICLE VI.

*Judicial Departments.*

1. The judicial power of this State shall be vested in the Supreme Court.
2. The Supreme Court shall consist of five judges.
3. The judges of the Supreme Court shall be elected by the qualified voters of the State.
4. How the judges of the Circuit and Chancery Courts, etc., shall be elected.
5. An Attorney-General and reporter for the State shall be appointed by the judges of the Supreme Court.
6. The judges and attorneys for the State may be removed from office by a concurrent vote of both houses.
7. Compensation of the judges of the Supreme and Inferior Courts.
8. The jurisdiction of the Circuit, Chancery and other inferior courts.

Section

9. How judges shall charge juries.
10. Power of judges and justices of inferior courts.
11. No judge of the Supreme or inferior courts shall preside at the trial of any cause in which he may be interested.
12. All writs and other process shall run in the name of the State of Tennessee.
13. Judges of the Supreme Court shall appoint their clerks.
14. In regard to the fines to be levied.
15. The different counties in this State shall be laid off as the General Assembly shall direct.

ARTICLE VII.

*State and County Officers.*

1. In regard to the election of county officers.
2. Who shall have power to fill vacancies.
3. The General Assembly shall elect a Treasurer and a Comptroller of the Treasury.
4. The election of all officers to fill vacancies not heretofore provided for shall be made as the Legislature may direct.
5. When the elections for judicial and other civil officers shall be held.—The term of each officer so elected.

ARTICLE VIII.

*Militia.*

1. All militia officers shall be elected by persons subject to military duty.
2. The Governor shall have power to appoint the Adjutant-Generals and his other staff officers.
3. The Legislature shall pass laws exempting citizens opposed to bearing arms from attending private and general musters.

## ARTICLE IX.

*Disqualifications.*

## Section

1. Ministers of the gospel, etc., are not eligible to a seat in either house of the Legislature.
2. No persons who deny the being of God shall hold any civil office.
3. Duelling disqualifies for office.

## ARTICLE X.

*Oaths, Bribery of Elections. New Counties.*

1. Every person before entering upon the duties of office, shall take the oath of office.
2. Each member of the Senate and House of Representatives shall before they proceed to business, take the oath or affirmation.
3. In regard to bribes.
4. New counties may be established by the Legislature.
5. In regard to the voting of citizens who may be included in any new county.

## ARTICLE XI.

*Miscellaneous Provisions.*

1. All laws now in force shall remain until they expire or are repealed.
2. In regard to the validity of debts or contracts.
3. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives.
4. In regard to the granting of divorces.
5. Lotteries illegal.
6. The Legislature shall have no power to change the names of persons.
7. The Legislature shall fix the

## Section

- rate of interest, which shall be uniform throughout the State.
8. The Legislature shall have no power to suspend any general law for the benefit of any particular individual.
9. The power of the Legislature in regard to private and local matters.
10. In regard to a system of internal improvement.
11. In regard to the possession of a homestead.—Shall be exempt from sale under legal process during the life of the head of a family.
12. In regard to education, literature and science.
13. In regard to fish and game laws within the State.
14. In regard to the intermarriage of white persons with negroes.
15. No person shall, in time of peace, be required to perform any service to the public.
16. The declaration of rights, hereto prefixed, is declared to be a part of the Constitution.
17. In regard to county offices created by the Legislature.

## THE SCHEDULE.

1. In regard to the term of office of the State officers.
2. At the first election of judges under this Constitution there shall be elected six judges of the Supreme Court.—In regard to a vacancy.—The Attorney-General and reporter of the State.
3. Every judge and officer of the executive department shall take the oath of office.
4. In regard to the statutes of limitation.

TEXAS.

Article

1. Bill of rights.
  2. Powers of government.
  3. Legislative department.
  4. Executive department.
  5. Judicial department.
  6. Suffrage.
  7. Education.—The public free schools.
  8. Taxation and revenue.
  9. Counties.
  10. Railroads.
  11. Municipal corporations.
  12. Private corporations.
  13. Spanish and Mexican land titles.
  14. Public lands and land office.
  15. Impeachment.
  16. General provisions.
  17. Mode of amending the Constitution of this State.
- Preamble.

ARTICLE I.

*Bill of Rights.*

Section

1. Texas is a free and independent State, subject only to the Constitution of the United States.
2. All political power is inherent in the people.
3. All free men have equal rights.
4. No religious test shall ever be required as a qualification to office.
5. No person debarred from testifying in any court in this State on account of religious opinion.
6. Freedom of religious thought and worship.
7. Money shall not be appropriated to any religious society, etc.
8. Freedom of speech and of the press.
9. Unreasonable searches and seizures forbidden.
10. In criminal prosecutions, the rights of the accused.
11. Bail shall be accepted except for capital offenses.

Section

12. The writ of habeas corpus.
13. Excessive bail or excessive fines shall not be imposed, nor cruel punishment inflicted.
14. No person shall be put in jeopardy twice for the same offense.
15. The right of trial by jury shall remain inviolate.
16. No bill of attainder, or ex post facto laws, shall be passed.
17. Private property taken or damaged shall receive just compensation.
18. No imprisonment for debt.
19. No person shall be disfranchised except by due course of law.
20. No person shall be outlawed, nor transported.
21. No conviction shall work corruption of blood.
22. Treason against the State defined.
23. The right to bear arms.
24. The military subordinate to the civil power.
25. Quartering of soldiers.
26. Monopolies and the law of primogeniture forbidden.
27. The citizens have the right to assemble in a peaceable manner to consult for the common good.
28. No power of suspending the laws in this State shall be exercised except by the Legislature.
29. To guard against transgression of the high powers, etc.

ARTICLE II.

*Powers of Government.*

1. The legislative, the executive, and the judicial.

ARTICLE III.

*Legislative Department.*

1. The legislative power of the State is vested in the Senate and House of Representatives.

Section

2. The Senate shall consist of thirty-one members.—The house of ninety-three members.
3. The choosing of senators.
4. The choosing of representatives.
5. The Legislature shall meet every two years.
6. To be eligible to be a senator.
7. To be eligible to be a representative.
8. Each house shall be judge of the qualification and election of its own members.
9. The Senate shall elect a president pro tempore.
10. Two-thirds of each house shall constitute a quorum.
11. Each house to determine the rules of its own proceedings and punish members for disorderly conduct.
12. Each house to keep a journal.
13. Governor may fill the vacancies in either house by issuing writs of election.
14. Senators and representatives privileged from arrest.
15. Each house may punish by imprisonment any person not a member, etc.
16. The sessions of each house shall be open, except.
17. They may not adjourn for more than three days.
18. Senators and representatives may not hold another office.
19. Officers who are not eligible to the Legislature.
20. No person entrusted with public money shall be eligible to the Legislature.
21. Freedom of speech and debate.
22. No member having a personal or private interest in any measure shall vote thereon.
23. If any Senator or representative removes his residence from the district for which he was elected his office thereby becomes vacant.
24. Compensation for members of the Legislature.
25. The State shall be divided into senatorial districts.

Section

26. Apportionment of representatives.
27. Elections for senators and representatives shall be general.
28. A new apportionment to be made after each United States census.
29. The enacting clause of all laws shall be.
30. No law shall be passed except by bill.
31. Bills may originate in either house.
32. No bills shall have the force of a law until read three times in each house.
33. Bills for raising revenue shall originate in the House of Representatives.
34. After a bill has once been defeated by either house it shall not come up again.
35. No bill shall contain more than one subject.
36. No law shall be revived or amended by reference to its title.
37. In regard to the passing of bills.
38. Presiding officers of each house shall sign all bills.
39. No law shall go into force until ninety days after adjournment, except.
40. The Legislature, when convened in special session.
41. In all elections in the Legislature the vote shall be viva voce.
42. The Legislature shall pass laws necessary to carry into effect the provisions of this Constitution.
43. Civil and criminal laws to be revised and published.
44. The compensation of officers, servants, etc., shall be provided for by law.
45. The power to change the venue in civil and criminal cases.
46. Vagrant laws to be enacted.
47. Lotteries illegal.
48. For what purposes taxes may be levied.

Section

49. In regard to creating State debt.
50. State credit shall not be given or loaned.
51. Public money not to be granted to individuals, associations, etc.
52. No sub-division of the State shall lend its credit.
53. No extra compensation, fee or allowance to a public officer to be granted.
54. No lien held by the State upon any railroad will be released or alienated.
55. The indebtedness, liability or obligation of any individual or corporation may not be released.
56. Local or special laws may not be passed, on the following subjects.
57. No local or special laws shall be passed unless notice of the intention shall have been published.
58. The city of Austin shall be the seat of government.

ARTICLE IV.

*Executive Department.*

1. The executive department shall consist of certain officers.
2. They shall be elected by qualified voters.
3. What is to be done with returns of election of said officers.
4. When the Governor shall be installed.—His term of office and qualifications.
5. His compensation.
6. He may not hold any other office during his term.
7. He shall be commander-in-chief of the militia.
8. He may on extraordinary occasions convene the Legislature.
9. He shall recommend to the Legislature such measures as he may deem expedient, etc.
10. He shall cause the laws to be faithfully executed.
11. He may grant reprieves and pardons.

Section

12. How vacancies in State and district offices are to be filled.
13. During the session of the Legislature the Governor shall reside in the same place, etc.
14. All bills to be presented to the Governor.
15. Orders, resolutions or votes, to which the concurrence of both houses is necessary, will be presented to the Governor.
16. Lieutenant-Governor.
17. When the president of the Senate shall act as Governor.
18. When the Lieutenant-Governor or president of the Senate acts as Governor he shall be under the same restriction, etc.
19. There shall be a seal of State kept by the secretary.
20. All commissions shall be in the name of the State.
21. The Secretary of State.—His appointment and salary.
22. The Attorney-General.—His duties and salary.
23. Other State officers.—Their salaries and term of office.
24. An account shall be kept for all moneys received and disbursed.
25. Breach of trust.
26. Notaries public.

ARTICLE V.

*Judicial Department.*

1. The judicial power of the State.—How vested.
2. The Supreme Court.—To consist of whom.
3. Its jurisdiction and powers.
4. The Court of Criminal Appeals to consist of three judges.
5. Its jurisdiction.
6. The States shall be divided into not less than two, nor more than three judicial districts.
7. In regard to judicial districts and judges of the same.—Their terms of office and number of courts held.
8. The District Court.—Its jurisdiction.

**Section**

9. Clerk of the District Court.—His term of office, etc.
10. The right of trial by jury.
11. No judge may sit in any case wherein he may be interested.
12. The style of process shall be.
13. The grand and petit juries in the District Courts to be composed of twelve men.
14. The judicial districts in this State are fixed until otherwise provided by law.
15. The County Court shall be a court of record.
16. Its jurisdiction.
17. The County Court shall hold a term once in every two months.—It shall dispose of probate business.
18. Each county shall be divided into precincts.
19. Justices of the peace.—Their jurisdiction.
20. County clerk.—His term of office and duties.
21. The county attorney.—His election.
22. The civil and criminal jurisdiction of County Court may be increased or diminished.
23. The sheriff.—His term of office, duties and fees.
24. County officers may be removed for incompetency.
25. The Supreme Court may establish rules of procedure.
26. The State shall have no right of appeal in criminal cases.
27. The Legislature shall at its first session provide for the transfer of all business pending in District Courts.
28. Vacancies in the office of judges of certain courts shall be filled by the Governor.
29. County Court shall hold at least four terms each year.

**ARTICLE VI.**

*Suffrage.*

1. Enumeration of those who may not vote.
2. To be eligible to vote.

**Section**

3. To have the right to vote for mayor and other elective officers.
4. Elections by the people shall be by ballot.
5. Voters to be privileged from arrest.

**ARTICLE VII.**

*Education — The Public Free Schools.*

1. Free schools to be established and maintained.
2. The school funds and lands.
3. What revenues are to be devoted to school funds.
4. Public school lands may be sold under certain regulations.
5. The fund shall be a permanent one, and shall not be diminished.
6. All lands granted to counties for educational purposes shall be used for such purposes.
7. Separate schools shall be provided for white and colored children.
8. The board of education, to consist of whom.
9. In regard to asylums, etc.
10. The university of the first class to be established.
11. Permanent university fund shall be organized.
12. The lands pertaining to the same shall be sold under certain regulations.
13. The agricultural and mechanical college shall be a branch of the university.
14. A branch of the university shall be established for the instruction of colored youths.
15. One million acres of unappropriated public land shall be set apart for the university.

**ARTICLE VIII.**

*Taxation and Revenue.*

1. Taxation shall be equal and uniform.
2. Corporation taxes shall be equal and uniform upon the same class of subjects.



Section

3. Taxes shall be levied and collected by general law.
4. The power to tax corporations shall not be surrendered.
5. All property of railroad companies within the limits of a city, etc., shall be subject to the usual municipal taxation.
6. No money shall be drawn from the treasury, but by appropriation.
7. The Legislature may not borrow any special fund that ought to come into the treasury.
8. All property of railroad companies shall be assessed.
9. The tax for the benefit of the public schools shall not exceed thirty-five cents on one hundred dollars.
10. No individual or corporation shall be released from the payment of taxes levied for the State or county.
11. How the taxes of non-residents shall be paid.
12. All property owned by residents of unorganized counties shall be taxed.
13. The first Legislature shall provide for the speedy sale of a sufficient portion of all lands, etc.
14. An assessor of taxes.—His term of office and election.
15. Property belonging to any delinquent tax payer shall be liable to seizure.
16. The sheriff of each county shall also be collector of taxes.
17. The Legislature shall have power to require other subjects or objects to be taxed.
18. The Legislature shall provide for equalizing the valuation of all property subject to taxation.
19. Farm products in the hands of the producer, and family supplies for home use are exempt from taxation.

ARTICLE IX.

Section

*Counties.*

1. The Legislature shall have power to create counties for the convenience of the people, subject to the following provisions.
2. In regard to the movement of county seats.

ARTICLE X.

*Railroad.*

1. In regard to the rights of railroad corporations.
2. They are public highways, and railroad companies are common carriers.
3. Every railroad doing business in the State shall maintain a public office in this State.
4. The rolling stock and other movable property of railroads shall be considered personal property.
5. No railroad shall consolidate with any parallel or competing line.
6. No railroad organized under the laws of this State shall consolidate with any foreign corporation.
7. Street railways and cities and towns must get the consent of the local authorities.
8. No railroad in existence at the time of the adoption of this constitution shall have the benefit of future legislation, except.
9. In regard to their obligations to build a depot.

ARTICLE XI.

*Municipal Corporations.*

1. The counties of the State are recognized as legal sub-divisions of the same.
2. The construction of public buildings shall be provided by general law.
3. No sub-division of the State shall be a stockholder in any corporation.

## Section

4. Cities and towns of ten thousand inhabitants or less may be chartered alone by general law.
5. Those having more than ten thousand may have their charters granted by special act of the Legislature.
6. Counties, cities or towns are authorized to levy and assess taxes, etc.
7. All counties and cities bordering on the Gulf of Mexico may collect taxes for the construction of sea walls, break-waters, etc.
8. The Legislature may aid by donation for the construction of the same.
9. Enumeration of property to be exempt from forced sale and taxation.
10. The Legislature may constitute any city or town an independent school district.

## ARTICLE XII.

*Private Corporations.*

1. They shall not be created except by special law.
2. Private corporations.—How created.
3. The right to authorize and regulate freights, tolls, fares, etc., shall never be relinquished by the State.
4. The mode of procedure by the Attorney-General and district or county attorneys shall be provided for by the Legislature.
5. Laws granting the right to demand and collect freight, fares, tolls, etc., shall be subject to amendment or repeal by the Legislature.
6. No corporations shall issue stocks or bonds, except for money paid.
7. Nothing in this article shall be construed to effect the rights guaranteed by any existing statute of this State or the republic of Texas.

## ARTICLE XIII.

*Spanish and Mexican Land Titles.*

## Section

1. All fines, penalties, etc., accruing to the Republic and State of Texas under their Constitutions shall accrue to the State under this Constitution.
2. In regard to claim of title or right of land in Texas issued prior to the 13th day of November, 1835.
3. For the non-payment of taxes on any such claim it shall be presumed that the right thereto has reverted to the State.
4. In regard to the failure to record such claim of title.
5. All claims, etc., declared void by the Constitution of the Republic or State of Texas shall remain forever void.
6. In regard to forgers of land titles.
7. Sections 2, 3, 4 and 5 of this article do not set aside or repeal any laws of the Republic or State of Texas.

## ARTICLE XIV.

*Public Land and Public Office.*

1. There shall be one general land office in the State, which shall be at the seat of government.
2. All land certificates barred by section 4, article 10, of the Constitution of 1869, are hereby revived.
3. No lands shall be granted by the State, except upon the following restrictions.
4. No certificate for land shall be sold except to actual settlers.
5. In regard to lands heretofore or hereafter granted to railroad companies.
6. To the head of every family without a homestead there shall be donated 160 acres of public lands upon conditions.
7. All mines and minerals are released to the owner of the soil.

Section

8. In regard to persons holding land granted by the governments of Spain or Mexico.

ARTICLE XV.

*Impeachment.*

1. The power of impeachment shall be vested in the House of Representatives.
2. Impeachment of the Governor, Lieutenant-Governor, Attorney-General, etc., shall be tried by the Senate.
3. When the Senate is sitting as a court of impeachment, the Senators shall be on oath or affirmation.
4. Judgment in cases of impeachment shall extend only to removal from office.
5. All officers against whom articles of impeachment have been preferred shall be suspended from the duties of office, etc.
6. Judge of a District Court may be removed for misconduct, etc.
7. All officers of the State may be removed.
8. Judges of the Supreme and Court of Appeals and District Courts may be removed for neglect of duty, etc.

ARTICLE XVI.

*General Provisions*

1. All officers shall take the following oath.
2. Bribery, perjury, etc., shall exclude from office.
3. In regard to those committed to the county jails.
4. Dueling forbidden.
5. Bribery disqualifies from holding office.
6. An account of receipts and expenditures for public money shall be made annually. — No appropriations shall be made for private or individual purposes.

Section

7. The Legislature may not issue "treasury warrants," "treasury notes," etc.
8. Each county shall provide for a poor-house.
9. Residence not forfeited on account of absence from the State or of the United States.
10. Salaries of public officers may be deducted for neglect to perform any duty.
11. Legal rate of interest ten per cent.
12. Those who are not eligible as members of the Legislature.
13. Differences may be decided by arbitration.
14. All civil officers shall reside within the State; district and county officers within the district or county.
15. The rights of the wife to property.
16. No corporate body shall hereafter be created, renewed or extended with banking or discounting privileges.
17. All officers within this State shall continue to perform the duties of office until successors are duly qualified.
18. In regard to the rights of property and of action which have been acquired under the Constitution of the republic and State.
19. The Legislature shall prescribe the qualification of grand and petit jurors.
20. In regard to the sale of intoxicating liquors.
21. Stationery and printing.
22. In regard to fence laws.
23. The Legislature may pass laws for the regulation of live stock, etc.
24. Public roads and bridges.
25. Drawbacks and rebatement of insurance, freight, etc.
26. In regard to the responsibility of a person, corporation or company committing homicide through gross neglect.

## Section

27. Elections to fill vacancies shall be for the unexpired term only.
28. Current wages for personal service shall never be subject to garnishment.
29. Barraty to be defined and punished.
30. The term of office not fixed by this Constitution not to exceed two years.
31. Laws prescribing the qualifications of practitioners of medicine.
32. A board of health and vital statistics.
33. The accounting officer of this State may pay no salary to any person holding any other office of honor or profit under this State or the United States.
34. In regard to the leasing of land for the erection of forts, etc., for the United States.
35. Laws shall be passed to protect laborers on public buildings, etc., against the failure of contractors to pay their wages when due.
36. The payment of teachers of public schools.
37. Mechanics, artisans, etc., shall have a lien upon buildings and articles made or repaired by them for the value of their labor.
38. The office of commissioner of insurance, statistics and history may be provided for.
39. The memorials of the history of Texas to be preserved.
40. No person may hold at the same time more than one civil office, except justices of the peace and others enumerated.
41. Bribery shall be punished as provided by law.
42. The Legislature may establish an inebriate asylum.
43. No man or set of men shall ever be exempted from any public duty or service imposed by general law, by any special law.

## Section

44. The duties and election of the county treasurer and county surveyor shall be prescribed by the Legislature.
45. Records, rolls and other documents shall be preserved and cared for.
46. The Legislature shall provide by law for organizing and disciplining the militia of the State.
47. Any person who conscientiously scruples to bear arms shall not be compelled to do so.
48. All laws and parts of laws now in force shall remain in force until they expire by limitation.
49. The Legislature shall have power, and it shall be its duty to protect by law property of heads of families.
50. The homestead of a family shall be protected from forced sale for the payment of debts, except for the purchase-money thereof.
51. The homestead not in a town or city shall consist of not more than two hundred acres.
52. In regard to the disposition of property on the death of husband or wife, or both.
53. That no inconvenience may arise from the adoption of this Constitution, it is declared that all writs and process shall remain valid.
54. Indigent lunatics shall be cared for at the expense of the State.
55. Soldiers of the Texas-Mexican war may be pensioned.
56. Public money may not be appropriated for bringing immigrants into the State.
57. Three millions of acres of the public domain are set apart for the purpose of erecting a new State capitol and other public buildings.

## ARTICLE XVII.

*Mode of Amending the Constitution.*

1. The Legislature may propose amendments to the Constitution to be voted upon by the qualified electors.

VERMONT.

CHAPTER 1.

A declaration of the rights of the inhabitants of the State of Vermont.

Article

1. All men born free; their natural rights; slavery prohibited.
2. Private property subject to public use; owner to be paid.
3. Freedom in religion; right and duty of religious worship.
4. Remedy at law secured to all.
5. People by the Legislature, to regulate internal police.
6. Officers servants of the people.
7. Government for the people; they may change it.
8. Elections to be free and pure; rights of freemen therein.
9. Citizen's rights and duties in the State. — Bearing arms. — Taxation.
10. Rights of persons accused of crime. Personal liberty.
11. Search and seizure regulated.
12. Trial by jury to be held sacred.
13. Freedom of speech and of the press.
14. Immunity for words spoken in legislative debate.
15. Legislature only may suspend laws.
16. Right to bear arms; standing armies; military power subordinate to civil.
17. Martial law restricted.
18. Regard to fundamental principles and virtues, necessary to preserve liberty.
19. Right to emigrate.
20. Right to assemble, instruct and petition.
21. No transportation for trial.

CHAPTER 2.

Plan or frame of government.

Section

1. Superseded.

Section

2. Superseded.
3. Superseded.
4. Courts of justice in each county; judges.
5. Courts of chancery may be erected.
6. Legislative, executive and judiciary departments to be distinct.
7. Town representation.
8. Election of representatives.
9. Powers of the Legislature.
10. Election of Governor, Lieutenant-Governor and Treasurer.
11. Governor and executive power.
12. Representative's oaths.
13. Doors of general assembly to be open.
14. Journals, with yeas and nays to be printed.
15. Style of laws.
16. Superseded.
17. Only money appropriated by act of legislation to be drawn from treasury.
18. Residence of representatives.
19. Representatives not to act as counsel or take fee for advocating bill.
20. Legislature not to declare any guilty of treason or felony.
21. Freeman's qualifications and oath.
22. Inhabitants to be armed and trained.—Officers of militia.
23. Form of commissions; State seal.
24. Impeachments; all officers liable to; no bar to prosecution at law.
25. Officers of profit forbidden.—Officers to have reasonable compensation. — Fees to be lessened. — Receiving illegal fees.
26. Incompatible offices. — Federal officers ineligible.

## Section

27. Superseded.
28. Treasurer's accounts to be audited.
29. Oaths of allegiance and office.—Every officer to take and subscribe them.
30. Eligibility of Governor and Lieutenant-Governor.
31. Trials of proper issues to be by jury.
32. Form of prosecutions and indictments.—Fines.
33. Imprisonment for debt restricted.—Prisoners ballable.—No excessive bail.
34. Elections to be free and voluntary; punishment for corruption.
35. Deeds to be recorded.
36. Entails to be regulated.
37. Punishment for crimes not capital to be hard labor.
38. Suicide's estate not to be forfeited.—No deodand.
39. Citizenship, how obtained.
40. Liberty to hunt, fowl and fish.
41. Laws to encourage virtue and prevent vice to be kept in force.—Schools to be maintained and religious societies encouraged.
42. Declaration of rights not to be violated.
43. Abrogated.

## ARTICLES OF AMENDMENT.

## Article

1. Foreigners to be naturalized before becoming freemen.
2. House of Representatives.
3. General assembly; like powers of Senate and House in legislation.—Revenue bills.—Adjournment.
4. Superseded.
5. Election of Senators; duties of several officers therein.—Legislature may regulate the election.
6. Powers of the Senate.—Lieutenant-Governor to be present and have casting vote.

## Article

7. Senate to try impeachments.—Extent of judgment.
8. Governor supreme executive, his powers.—May appoint secretary of civil and military affairs.
9. General assembly to canvass votes for Governor, Lieutenant-Governor and Treasurer; and to elect these officers if the freemen do not.
10. General assembly to elect Secretary of State and certain other officers.
11. Bills to be sent to the Governor; to be signed by him if approved.—Veto and proceedings thereon.—Bills not returned.
12. Writs of habeas corpus not to be suspended.
13. Effects of certain amendments to the Constitution.
14. Freemen to elect assistant judges of the County Court.
15. Freemen to elect sheriffs and high bailiffs.
16. Freemen to elect State's attorneys.
17. Freemen to elect judges of probate.
18. Freemen to elect justices of the peace.—Number of justices in each town.
19. Officers named in five preceding sections to be elected by ballot.
20. Election of assistant judges of the County Court, sheriffs, high bailiffs, State's attorneys, judges of probate, and justices of the peace; the Governor to commission them.
21. Legislature to provide for vacancy in offices of Governor, and Lieutenant-Governor.—Governor may appoint a treasurer to fill a vacancy.
22. Securities to be given by treasurer, sheriffs and high bailiffs.
23. Senators; their number, qualifications and apportionment.

# INDEX.

ccv

## Article.

24. Sec. 1. Biennial sessions.—Sec. 2. Biennial elections.—Sec. 3. Term of office of the Governor, Lieutenant-Governor and Treasurer.—Sec. 4. Term of office of Senators and Representatives.—Sec. 5. Term of office of county officers.
25. Sec. 1. Mode of amending Constitution.—Sec. 2. General Assembly may direct manner of

## Article.

- voting on amendments.—Sec. 3. House of Representatives may order impeachments.—Sec. 4. Council of censors abolished.
26. Term of office of judges of the Supreme Court.
27. Additional oath to representatives.—Construction of words in oath.
28. Election of Secretary of State and auditor of accounts.

# VIRGINIA.

## ARTICLES.

### Article

1. Bill of rights.
2. Division of powers.
3. Elective franchise and qualifications for office.
4. Executive department.
5. Legislative department.
6. Judiciary department.
7. County organizations.
8. Education.
9. Militia.
10. Taxation and finance.
11. Miscellaneous provisions.
12. Future changes in the Constitution.

## ARTICLE I.

### *Bill of Rights.*

### Section

1. Equality and rights of individuals.
2. The State a unit of the federal government.
3. Supreme law of the land.
4. All power vested in the people.
5. Protection and security of the nation.
6. That no man or set of men are entitled to exclusive or separate emoluments.
7. Legislative, executive and judicial powers.
8. Right of suffrage.
9. The people have the right of representation.
10. In capital prosecutions a man has the right to know the

### Section

- cause and nature of his accusation.
11. Excessive bail.
12. General warrants and right to search.
13. Trial by jury is preferable to any other.
14. Freedom of the press.
15. Militia for defense of the State.
16. Uniform government.
17. Free government dependent upon justice, moderation and temperance.
18. Freedom of religious thought.
19. Slavery and involuntary servitude illegal, except as lawful imprisonment.
20. Civil and political rights.
21. The rights enumerated in this bill do not limit other acts of the people.

## ARTICLE II.

### *Division of Powers.*

1. The powers of the State are to be divided under the legislative, executive and judiciary departments.

## ARTICLE III.

### *Elective Franchise and Qualifications for Office.*

1. Qualifications for voting.  
First. Those who may not vote.  
—Idiots and lunatics.

## Section

- Second. Those convicted of bribery, etc.
- Third. For fighting a duel.
- 2. All elections shall be by ballot.
- 3. Those eligible as jurors.
- 4. Exemption from military service.
- 5. Oath of office.

## ARTICLE IV.

*Executive Department.*

- 1. Chief officer is the Governor.
- 2. Election of the Governor.
- 3. To be eligible for office of Governor.
- 4. Residence of Governor and salary.
- 5. Governor's duties.
- 6. Governor to have information from officers in executive department.
- 7. Commissions and grants to be in the name of the commonwealth of Virginia.
- 8. Certain requirements for every resolution before it becomes a law.
- 9. Election of Lieutenant-Governor.
- 10. When Lieutenant-Governor takes the Governor's place.
- 11. Lieutenant-Governor president of the Senate.
- 12. Secretary of the Commonwealth, Treasurer and Auditor.—Election of the same.
- 13. Duties of the Secretary.
- 14. Powers and duties of the Treasurer.
- 15. Bureau of statistics, agriculture, chemistry and geology.
- 16. Bureau of immigration.
- 17. Board of public works, to consist of Governor, Auditor and Treasurer.

## ARTICLE V.

*Legislative Department.*

- 1. Legislative power vested in General Assembly.

## Section

- 2. Election of House of Delegates.
- 3. The Senate shall consist of not less than thirty-three nor more than forty members.—Election of the same.
- 4. Appointment of Senators and Delegates.
- 5. Qualifications of Senators and Delegates.
- 6. General Assembly to meet once in two years.—In regard to adjournment.
- 7. The speaker of the House of Delegates.—Filling vacancies.
- 8. Salaries of members of General Assembly.
- 9. Origin of bills and resolutions.
- 10. For a bill to become a law.
- 11. Members of the General Assembly, when privileged from arrest.
- 12. Apportionment of members to House of Representatives.
- 13. Division of the State into districts.
- 14. Privilege of writ of habeas corpus.—Bill of attainder.
- 15. No law shall embrace more than one subject.
- 16. Those who may be impeached.
- 17. Charters not granted to religious denominations.
- 18. Lotteries.
- 19. Formation of a new county.
- 20. Divorces and change of names of persons.
- 21. Registration of births, marriages and deaths.
- 22. Conducting elections and filling vacancies.
- 23. Government of towns and cities provided for by Legislature.
- 24. Removal of disabilities incurred by duelling.

## ARTICLE VI.

*Judiciary Department.*

- 1. Jurisdiction of Supreme Court of Appeals, Circuit Courts, and County Courts, to be regulated by law.



Section

2. Supreme Court of Appeals to consist of five judges.
3. Special Courts of Appeals.
4. Reversal of judgment.
5. Choosing of judges and their term of office.
6. Duties and compensation described by law.
7. Session of Supreme Court of Appeals.
8. Election of Attorney-General.
9. Judicial districts, how divided.
10. Rearrangement of circuits.
11. Term of office of Circuit Judge.
12. Circuit Court to be held once a year.
13. County Courts, term of office of judges of the same.
14. Government of cities and towns.
15. Officers of the same.
16. Attorney for the Commonwealth.
17. City sergeant.
18. Treasurer.
19. Commissioner of revenue.
20. Mayor, his election and duties, and other city and town officers.
21. Time for holding elections.
22. General provisions.
23. Removal of judges.
24. Certain judges not to hold other offices.
25. Duties after expiration of term of office.
26. Writs and indictments.

ARTICLE VII.

*County Organizations.*

1. County officers.
2. Division of county into magisterial districts.
3. School districts.
4. Rights of General Assembly to appoint additional officers.
5. Sheriffs.

ARTICLE VIII.

*Education.*

1. Superintendent of public instruction.
2. Board of education.

Section

3. Free schools.
4. Compulsory attendance at school.
5. Establishment of other schools.
6. Uniformity of text-books.
7. For the support of schools.
8. Supplying free text-books, when it may be done.
9. Higher grades.
10. Donations to be applied in accordance with the terms prescribed by donor.
11. Each city and town to be accountable for destruction of school property.
12. School officers.—Salaries and duties to be fixed by General Assembly.

ARTICLE IX.

*Militia.*

1. Those who may be called upon to serve in the militia.
2. Encouragement of volunteer corps by the State.

ARTICLE X.

*Taxation and Finance*

1. Real and personal property to be taxed in proportion to its value.
2. Gathering of oysters free, but the amount of sales may be taxed.
3. Certain property may be exempt from taxation.
4. Income tax on over \$600 per annum and upon certain licenses.
5. A tax on male citizens for benefit of public schools.
6. Reassessment of real estate every five years.
7. What debts the State may contract.
8. A sinking fund to be provided.
9. In regard to the interest on State bonds.
10. Appropriations to be made by law for the payment of State money.

## Section

- laws of the State of Virginia shall remain valid.
2. No entry by warrant on land in this State shall hereafter be made.
  3. In regard to title of forfeited lands.
  4. Waste and unappropriated land in this State to be sold to the highest bidder.
  5. The former owner of any such land may receive the excess of the sum, over the taxes, charged for which the land was sold.

## Section

6. Every owner of land to have it entered on the land books of the county and causing himself to be charged with taxes thereon.

## ARTICLE XIV.

*Amendments.*

1. No convention shall be called having the authority to alter the Constitution of this State, unless.
2. Any amendment to the Constitution may originate at either house.

## WISCONSIN.

## Preamble.

## ARTICLE I.

*Declaration of Rights.*

## Section

1. All men are equally free and have certain inherent rights.
2. There shall be neither slavery nor involuntary imprisonment, except for the punishment of crime.
3. Freedom of speech and liberty of the press.
4. The people have the right to assemble peaceably for the common good.
5. Right of trial by jury.
6. Excessive bail shall not be required, nor shall excessive fines be imposed.
7. The rights of the accused in all criminal prosecutions.
8. Indictment by grand jury.
9. Justice, without sale, denial, or delay.
10. Treason against the State defined.
11. Rights of the people against unreasonable seizures or searches.
12. No bill of attainder, ex post facto law, nor any law im-

## Section

- pairing the obligations of contracts shall ever be passed.
13. Private property shall not be taken for public use without just compensation.
  14. All lands within the State are declared to be allodial, and feudal tenures are prohibited.
  15. No distinction shall ever be made by law between resident aliens and citizens in reference to property.
  16. No imprisonment for debt.
  17. The privilege of a debtor.
  18. Freedom of religious thought and worship.
  19. No religious tests shall ever be required as a qualification for any office.
  20. The military shall be subordinate to the civil power.
  21. Writs of error never permitted.
  22. The blessings of free government.

## ARTICLE II.

*Boundaries.*

1. State boundaries.
2. Act of Congress ratified.—United States property not to be taxed.

ARTICLE III.

*Suffrage.*

Section

1. Qualifications for being a voter.
2. Those who may not vote.
3. All votes to be given by ballot, except for township officers.
4. No person to lose residence because absent on business of the United States.
5. No soldier of the United States shall be deemed a resident of this State because stationed within the same.
6. Bribery, etc., to debar from voting.

ARTICLE IV.

*Legislative*

1. Legislative power is vested in the Senate and Assembly.
2. Assembly to consist of not less than fifty-four, nor more than one hundred members.—The Senate shall consist of not less than one-fourth, nor more than one-third the number of the Assembly.
3. Enumeration of the inhabitants of the State to be made every ten years.
4. How Members of Assembly are to be chosen.
5. How Senators are to be chosen.
6. To be eligible to the Legislature.
7. Each house to be the judge of the qualifications of its own members.—A majority of each shall constitute a quorum.
8. In each house a two-thirds vote required to expel a member.
9. Each house shall choose its own officers.
10. Each house to keep a journal.
11. The Legislature to meet once a year at the seat of government.
12. No Legislator to hold any civil office, etc., created during term for which he was elected.
13. Who are not eligible to a seat in the Legislature.
14. Governor to issue writs of election to fill vacancies.

Section

15. Members of Legislature privileged from arrest, except when.
16. Members to have freedom of speech in debate.
17. No law shall be enacted except by bill.
18. No private or local bill shall embrace more than one subject.
19. A bill may originate in either house.—Either house may amend a bill of the other.
20. In regard to the yeas and nays.
21. Pay of members.
22. In regard to the board of supervisors.
23. Town and county government to be uniform.
24. The Legislature shall never authorize any lottery nor grant a divorce.
25. In regard to stationery and printing.
26. In regard to increasing or diminishing the pay of public officers.
27. How suit may be brought against the State.
28. The oath of office required.
29. Who shall constitute the militia of the State.
30. In all elections to be made by the Legislature, the vote shall be *viva voce*.

ARTICLE V.

*Executive.*

1. The executive power shall be vested in the Governor.
2. To be eligible to the office of Governor and Lieutenant-Governor.
3. Election of the same.
4. Governor to be commander-in-chief of the State forces.—His powers and duties.
5. His salary.
6. Governor shall have power to grant reprieves and pardons.
7. When Lieutenant-Governor is to act as Governor.

## ARTICLE II.

*Legislative Department.*

## Section

1. Vested in the Senate and House of Representatives.
2. The House shall consist of not less than sixty-three nor more than ninety-nine members.—The number of Senators not more than one-half nor less than one-third of the members of the House.
3. A census to be taken in 1895 and every ten years thereafter.
4. Election of the members of the House.—Term of office.
5. The next election of members after the adoption of this Constitution shall be on the first Tuesday after the first Monday in November, 1890.
6. After the first election Senators shall be elected in the same manner as members of the House are required to be elected.
7. To be eligible to the Legislature.
8. Each House shall be judge of the election and qualification of its own members.
9. Each House may punish for contempt and disorderly behavior.
10. Each House shall elect its own officers; when Lieutenant-Governor is acting as Governor the Senate shall choose a temporary president.
11. Each House shall keep its own journal.
12. When the first Legislature shall meet.
13. Members of the Legislature may not hold a civil office, etc.
14. Those who are not eligible as members of the Legislature.
15. The Governor shall issue writs of elections to fill such vacancies as may occur.
16. When members of the Legislature may be privileged from arrest.
17. Absolute freedom of speech and debate.

## Section

18. The style of the laws.—No laws shall be enacted except by bill.
19. No bill shall embrace more than one subject.
20. A bill may originate in either House.
21. Yeas and nays shall be entered on the journal, etc.
22. Requirements for a bill to become a law.
23. Pay of legislators.
24. The Legislature shall not authorize any lobby or grant any divorce.
25. No extra compensation to be granted to any public officer, agent, etc.
26. The Legislature shall direct by law in what manner and in what courts suits may be brought against the State.
27. All elections by the Legislature shall be viva voce.
28. The Legislature is prohibited from enacting any private or special laws except in the following cases.
29. Contract convict labor shall be abolished.
30. Corrupt solicitation of the members of the Legislature shall be punished by fine and imprisonment.—A member who has a private interest in any bill shall not vote thereon.
31. No law, except appropriation bills, to take effect until ninety days after the adjournment of the session at which it was enacted.
32. Every bill to become a law must be signed by the presiding officer of each of the two Houses in open session.
33. The ownership of lands by aliens who have not declared their intention to become citizens of the United States is prohibited, except when acquired by inheritance.

Section

24. There shall be established a bureau of statistics, agriculture and immigration.
25. Laws to be passed for the protection of persons working in mines, factories, etc.
26. Every bill must be introduced at least ten days before the final adjournment, unless.
27. No bill shall ever be revised or amended by mere reference to its title.
28. No amendment to any bill shall be allowed which shall change the scope and object of the bill.
29. Officers of the State may not accept a pass from any railroad or other corporation.

ARTICLE III.

*Executive.*

1. The executive department shall consist of Governor, Lieutenant-Governor, Secretary of State, etc.
2. The supreme executive power of the State is vested in the Governor.—Term of office four years.
3. Term of office of other State officers.
4. What is to be done with the returns for the election of the officers named above.
5. The Governor may require information in writing from the officers of the State.
6. He shall communicate by message.
7. He may, on extraordinary occasions, convene the Legislature by proclamation.
8. He is commander-in-chief of the military of the State.
9. The pardoning power shall be vested in the Governor, with restrictions.
10. When the Lieutenant-Governor is to act as Governor.
11. The Governor is to report to the Legislature at its next meet-

Section

- ing each case of reprieve, commutation or pardon granted.
12. Every act to be signed by the Governor before it becomes a law.
13. Certain vacancies to be filled by the Governor by appointment.
14. His salary.
15. All commissions, how issued and signed.
16. Lieutenant-Governor presiding officer of the Senate.—His salary.
17. Secretary of State.—His duties.
18. Seal of State, to be kept by Secretary.
19. Treasurer.—His duties and salary.
20. The Auditor.—His powers, duties and salary.
21. The Attorney-General.—His duties and salary.
22. Superintendent of Public Instruction.—His duties.
23. The Commissioner of Public Lands.—His duties and compensation.
24. The public records of each office to be kept at the seat of government.
25. To be eligible to hold office under the State.

ARTICLE IV.

*Judiciary.*

1. Judicial powers, how vested.
2. Supreme Court shall consist of five judges.
3. Election of same.—They shall be classified by lot.—Who Chief Justice.—In case of vacancy.
4. Supreme Court.—Its jurisdiction and powers.
5. Superior Court.—Election of judges.—Enumeration of said judges.
6. Its jurisdiction.
7. A Superior Court judge may hold court in any county.—Judge pro tempore.

## Section

8. He shall be president of the Senate.—When Secretary of State is to act as Governor.
9. Pay of Lieutenant-Governor.
10. Every bill to be presented to the Governor before it becomes a law.—He may approve or object to it.

## ARTICLE VI.

*Administrative.*

1. Secretary of State, Treasurer and Attorney-General to be chosen.
2. Secretary of State, his duties and compensation.
3. Powers, duties and pay of the Treasurer and Attorney-General are to be fixed by law.
4. In regard to sheriffs, coroners, etc.

## ARTICLE VII.

*Judiciary.*

1. The Senate, court of impeachment.
2. The judicial powers of the State are vested in Supreme, Circuit and Probate Courts, and in justices of the peace.
3. Supreme Court has appellate jurisdiction.—Shall have general superintending control over all inferior courts.
4. Judges of Circuits to be judges of Supreme Courts till otherwise provided for.
5. Division of the State into five judicial circuits.
6. The Legislature may alter the limits, or increase the number of circuits.
7. For each circuit there shall be a judge chosen.
8. Jurisdiction and power of the Circuit Courts.
9. Vacancies to be filled by the Governor.
10. Salaries of judges of Supreme and Circuit Courts.
11. The Supreme Court shall hold at least one term annually at the seat of government.—A

## Section

- Circuit Court shall be held at least twice in each year in each county in the State.
12. Clerk of Circuit Court, term of office.
13. Removal of judge of Supreme or Circuit Courts.
14. Judge of probate, how chosen and term of office.
15. Justices of the peace, term of office and how elected.
16. Tribunals of conciliation.
17. Style of writs and criminal prosecutions shall be carried on in the name of "The State of Wisconsin."
18. A tax on all civil suits, how applied.
19. Testimony in causes in equity, how taken.
20. Any suitor may prosecute or defend his suit himself, or by an attorney.
21. No general law shall be in force till published.
22. A commission of three to be appointed to inquire into, revise and simplify the rules of practice, pleadings, forms, etc.
23. One or more persons to be appointed in each county to have such judicial powers as may be prescribed by law.

## ARTICLE VIII.

*Finance.*

1. Taxation shall be uniform.
2. No money to be paid out of the treasury except by appropriation by law.
3. The credit of the State shall never be given or loaned.
4. The State shall never contract any public debt, except as provided.
5. Expenses of the State to be met by an annual tax.
6. State may contract a public debt not to exceed \$100,000.

Section

7. The Legislature may also borrow money to repel invasion, etc.
8. On the passage of a law which imposes, renews or continues a tax, etc., the question shall be taken by yeas and nays, and three-fifths of all the members shall be required to make a quorum.
9. In regard to State debt.
10. The State shall never contract any debt for works of internal improvement.

ARTICLE IX.

*Eminent Domain and Property of the State.*

1. State's jurisdiction over rivers and lakes.
2. Property of the Territory shall vest in the State.
3. State property.—All lands the title to which shall fail from a defect of heirs, shall revert to the people.

ARTICLE X.

*Education.*

1. The State superintendent, his duties, powers and compensation
2. The school fund.
3. Free, non-sectarian schools.
4. Each town and city to help support the public schools.
5. Distribution of the school fund.
6. A State university to be established.
7. Sale of school lands, commissioners for the same.
8. Duties of commissioners.

ARTICLE XI.

*Corporations.*

1. Corporations without banking powers to be formed under general laws.
2. In regard to taking private property for public use by a municipal corporation.
3. Legislature to provide for the organization of cities and incorporated villages.

Section

4. In regard to banks.
5. In regard to granting charters for the same.

ARTICLE XII.

*Amendments.*

1. Either house may propose an amendment.
2. In regard to revising the Constitution.

ARTICLE XIII.

*Miscellaneous Provisions.*

1. When the political year begins.
2. Dueling disqualifies for voting.
3. Those who may not hold office in this State.
4. Seal of State to be kept by Secretary of State.
5. Persons residing on Indian lands may vote at the nearest polls.
6. The elective officers of the Legislature, other than the presiding officers, shall be a chief clerk and sergeant-at-arms.
7. Division of counties.
8. The moving of the county seat.
9. In regard to county, city, town and village officers.
10. Offices deemed vacant and manner of filling the same.

ARTICLE XIV.

*Schedule.*

1. Territorial rights to pass over to State rights.
2. All Territorial laws, not repugnant to this Constitution, shall remain in force till they expire, or are repealed.
3. All fines, etc., accruing to the Territory shall accrue to the State.
4. Everything pertaining to the Territory to pass over to the State.
5. Officers, civil and military, holding office under authority of the United States of the Territory, shall continue to hold it till superseded by State authority.

## Section

6. Where the first session of the Legislature shall be held, and when.
7. About county and other officers.
8. A copy of this Constitution to be sent to the President.
9. Ratification or rejection of this Constitution.
10. The congressional districts.
11. The elections provided for in this article are to be conducted according to the laws of the Territory.
12. Apportionment.
13. Territorial laws to continue.
14. Term of office of certain officers.
15. Who may administer the oath of office.

## AMENDMENTS.

- Article 1, section 8.
- Article 3, section 1.
- Article 4, section 4.
- Article 4, section 5.
- Article 4, section 11.
- Article 4, section 21.
- Article 4, section 31.
- Article 4, section 32.
- Article 5, section 5.
- Article 5, section 9.
- Article 6, section 4.
- Article 7, section 4.
- Article 7, section 12.
- Article 8, section 2.
- Article 9, section 2.
- Article 13, section 1.
- Article 7, section 4.

## WYOMING.

## Article

1. Declaration of rights.
2. Distribution of powers.
3. Legislative department.
4. Executive department.
5. Judicial department.
6. Suffrage.
7. Education.
8. Irrigation and water rights.
9. Mines and mining.
10. Corporations.
11. Boundaries.
12. County organization.
13. Municipal corporations.
14. Salaries.
15. Taxation and revenue.
16. Public indebtedness.
17. State militia.
18. Public lands and donations.
19. Miscellaneous.
20. Amendment.
21. Schedule.
- Preamble.

## ARTICLE I.

*Declaration of Rights.*

## Section

1. All power is inherent in the people.
2. In their inherent right of life, liberty and the pursuit of hap-

## Section

- piness, all members of the human race are equal.
3. Political equality.
4. Security against unreasonable searches and seizures.
5. No person shall be imprisoned for debt, except in cases of fraud.
6. No person shall be deprived of life, liberty or property without due process of law.
7. Liberty and property of freemen.
8. All courts shall be open.—Justice administered without sale or delay.
9. The right of trial by jury shall remain inviolate in criminal cases.
10. In criminal prosecutions accused shall have the right to defend in person and by counsel.
11. No person compelled to testify against himself.—No person in jeopardy twice for the same offense.
12. Witnesses not to be unreasonably detained.
13. Persons proceeded against criminally by indictment.



Section

14. All persons shall be ballable.—  
Excessive bail and cruel punishments prohibited.
15. The Penal Code shall be framed on the humane principles of reformation and prevention.
16. In regard to prisons and imprisonment.
17. Habeas corpus.
18. Freedom of religious thought and worship.
19. State money not to be given to a sectarian or religious society.
20. Freedom of speech.
21. The people may assemble together peaceably to consult for the common good.
22. The rights of labor to have just protection.
23. Education encouraged.
24. The right of citizens to bear arms.
25. Military subordinate to civil powers.—Quartering of troops.
26. Treason against the State defined.
27. Elections to be open, free and equal.
28. No tax imposed without consent of the people.—All taxation shall be equally uniform.
29. Resident aliens and citizens.
30. Perpetuities and monopolies contrary to genius of a free State.
31. Water controlled by the State.
32. Private property shall not be taken for private use.
33. Private property taken for public use.
34. All laws of a general nature shall have a uniform operation.
35. No ex post facto law or other law impairing obligation of contracts.
36. The enumeration of rights in this Constitution not to impair other rights retained by the people.
37. The State is inseparable from the Federal Union.

ARTICLE II.

*Distribution of Powers.*

Section

1. The powers of government of this State vested in the legislative, executive and judicial.

ARTICLE III.

*Legislative Department.*

1. The legislative power vested in Senate and House of Representatives.
2. Election of Senators.—Term of office.—Representatives and term of office.—Qualifications.
3. Each county shall constitute a senatorial and representative district.
4. Vacancies in either house, how filled.
5. Time of election of members of both houses.
6. Compensation of members for the first Legislature.
7. The Legislature shall meet, when.
8. Senators and Representatives may not hold two offices.
9. No increase of salary or mileage.
10. President of the Senate.—Speaker of the House.
11. Majority of each house shall constitute a quorum.
12. The powers of each house.
13. Each house shall keep a journal.
14. The sessions of each house shall be open, except.
15. Adjournment for more than three days.
16. Members to be privileged from arrest, except when.
17. Sole power of impeachment vested in the House of Representatives.
18. What State officers are liable for impeachment.
19. Removal of other officers.
20. No laws shall be passed except by bill.
21. The enacting clause of every law.

## Section

22. Bills for the appropriation of money, when introduced.
23. When the bill is to become a law.
24. No bill to contain more than one subject, except.
25. No bill shall become a law except by vote of majority.
26. In regard to the title of a bill.
27. The Legislature not to pass local or special law in the following enumerated cases.
28. How bills are to be signed.
29. The numerous duties and compensation of officers and employes.
30. Extra compensation to officers, etc.
31. Stationery, printing, etc.
32. In regard to the extension of the term of office or increase or decrease in salary.
33. All bills for raising revenue originate in House of Representatives.
34. Appropriation bills.
35. Payment of money from the treasury.
36. No appropriations except for institutions under absolute control of State.
37. Money not to be granted for municipal improvements.
38. Investment of trust funds, etc.
39. The State or any county of the State to contract debts in the construction of railroads.
40. In regard to the liability of any person, association or corporation.
41. Every order, etc., to be presented to the Governor.
42. No person to promise his vote.
43. Bribery defined.
44. Any person may be compelled to testify in any lawful investigation.
45. Corrupt solicitation.
46. Members having personal or private interests in a bill shall not vote thereon.

*Apportionment.*

## Section

1. Election of Congressmen-at-large.
2. Enumeration of the inhabitants of the State in 1895 and every tenth year thereafter.
3. Representative districts may be altered.
4. Apportionment.

## ARTICLE IV.

*Executive Department.*

1. Executive power vested in Governor.
2. Eligibility for office of Governor.
3. Election of Governor.—In case of tie.
4. Governor commander-in-chief of military forces of the State.
5. Governor has power of reprieve and pardon.
6. Impeachment of Governor.
7. In case of vacancy, how filled.
8. Every bill to be presented to the Governor before it becomes a law.
9. The Governor may disapprove of any item or items.
10. In case of bribery.
11. Secretary of State, Auditor, Treasurer and Superintendent of Public Instruction.—Term of office.
12. Powers and duties of the same.
13. Salary of Governor.
14. State Examiner.—His duties.
15. Seal of State.
15. The seal of the Territory to be the seal of State until otherwise provided for.

## ARTICLE V.

*Judicial Department.*

1. Judicial power of the State is vested in the Senate.—In the Supreme Court, District Courts, justices of the peace, etc.
2. Jurisdiction of the Supreme Court.
3. Power to issue writs of mandamus.

**Section**

4. Supreme Court to consist of three justices.—Their election and term of office.
5. A majority to constitute a quorum.
6. In case a judge of the Supreme Court is interested in a cause.
7. Two terms to be held annually.
8. To be eligible to the office of chief justice.
9. Clerk of the Supreme Court.—His appointment.
10. District Court shall have original jurisdiction in criminal cases.
11. Judges of District Courts may hold courts for each other.
12. To be eligible to the office of judge of District Court.
13. There shall be a clerk of District Court in each organized county.
14. Appointment of District Courts.—Commissioners.
15. The style of all process.
16. Judges of the Supreme Court shall have no duties except such as are judicial.
17. Their pay.
18. Writs of error and appeals.
19. The State shall be divided into three judicial districts.
20. Enumeration of the same.
21. The Legislature may increase judicial districts.—Jurisdiction.
22. Justices of the peace.—Number and election of.
23. Appeals.
24. Time of holding courts.
25. Judges of Supreme Court shall not practice law.
26. How terms of courts are to be fixed.
27. No judge of the Supreme or District Courts shall be eligible to other offices.
28. Appeals from decisions of compulsory boards of arbitration allowed.

**ARTICLE VI.**

*Suffrage.*

**Section**

1. Right to vote shall not be denied on account of sex.
2. Requirements for voting.
3. Electors to be privileged from arrest on days of election, except.
4. Not to perform military duty on day of election.
5. Must be a citizen of the United States.
6. Those who may not vote.
7. No elector shall lose his residence in this State by reason of absence on business of the United States.
8. Soldiers, seamen or marines of the United States not deemed a resident in consequence of being stationed in this State.
9. Must be able to read.
10. Nothing herein contained to deprive any person of the right to vote.
11. Elections shall be by ballot.
12. Voters must register according to law.
13. Purity of elections.
14. Election contests, how provided for.
15. Only qualified electors appointed to civil or military office.
16. To hold office until successor is qualified.
17. The time of holding elections.
18. Election or appointment of those not provided for in this Constitution.
19. Those who may not hold offices under the State and the United States.
20. Oath of office.
21. How the oath shall be administered.

**ARTICLE VII.**

*Education.*

1. A complete and uniform system of public instruction.

## Section

- ner to consult for the common good.
17. The courts of the State shall be open and justice shall be administered without sale or delay.
  18. No conviction shall work corruption of blood or forfeiture of estate.
  19. No hereditary honors or privileges shall be conferred.
  20. Free government and liberty.

## ARTICLE IV.

*Elections and Officers*

1. Those who are entitled to vote.
2. Elections by the people to be by ballot.
3. When electors are privileged from arrest.
4. Requirements for State and county officers.
5. Officers to take oath of affirmation.
6. Removal of officers for misconduct, etc.
7. When general elections shall be held.
8. The terms of office, powers, duties and compensation of public offices prescribed by law.
9. Impeachment.
10. Duelling a bar to holding office.
11. Legislature shall prescribe manner of conducting elections.
12. No citizen to be denied the right to vote when his name has not been registered.

## ARTICLE V.

*Division of Powers.*

1. Legislative, executive and judicial departments shall be separate and distinct.

## ARTICLE VI.

*Legislature.*

1. Legislative power vested in Senate and House of Delegates.
2. The Senate shall be composed of twenty-four, and the House of sixty-five members.

## Section

3. Senators elected for four years, Delegates two years.
4. State divided into twelve Senatorial districts.
5. Enumeration of the same.
6. For the election of Delegates.
7. Apportionment of Delegates after every census.
8. Until a new apportionment shall be declared they shall be as enumerated.
9. The same continued.
10. The arrangement of Senatorial and Delegate districts.
11. Additional territory may be admitted and become part of the State.
12. Qualifications to be a Senator or Delegate.
13. No person holding a lucrative office under the State, etc., shall be eligible to a seat in the Legislature.
14. Bribery, perjury, etc., a bar to a seat in the Legislature.
15. No Senator or Delegate shall be elected to an office created during his term of office.
16. Oath of affirmation of members.
17. When members of the Legislature are privileged from arrest.
18. Legislature shall assemble biennially.
19. The Governor may convene the Legislature.
20. The seat of government shall be at Charleston.
21. May be convened at another place.
22. Session of the Legislature to be forty-five days.
23. Neither house shall adjourn for more than three days.
24. Majority of the members of each house shall constitute a quorum.
25. Each house may punish its own members.
26. The powers of each house.
27. Certain laws to be enacted and enforced.

Section

25. Bills may originate in either house.
29. No bill shall become a law until read on three different days in each house, except.
30. No bill shall contain more than one subject.
31. In regard to amendments of a bill proposed by one house and amended by the other.
32. Definition of the words a majority of the members, etc.
33. Pay and mileage of members.
34. Legislature to provide by law for fuel, stationery, etc.
35. The State shall never be made defendant in any court of law or equity.
36. Lotteries prohibited.
37. No law to be passed to extend the term of an office.
38. No extra compensation allowed or granted.
39. The Legislature shall not pass local or special laws in the following enumerated cases.
40. Judges to have no power to appoint to office.
41. Each house to keep a journal.
42. Bills making appropriations shall contain no other provision.
43. The Legislature shall never authorize or establish any board or court of registration of voters.
44. Vote to be viva voce in the Legislature.
45. Punishment of bribery.
46. Laws may be passed prohibiting sale of intoxicating liquors.
47. No charter of incorporation shall be granted any church or religious denomination.
48. Homestead exemption to the value of one thousand dollars, and personal property to the value of two hundred.
49. The Legislature may pass laws to protect the property of married women.
50. Proportional representation in the Senate.

ARTICLE VII.

*Executive Department.*

Section

1. To consist of Governor, Secretary of State, State Superintendent of Free Schools, Auditor, Treasurer and Attorney-General.
2. Election of the same.—When to be held.
3. Speaker of the House of Delegates to receive election returns.
4. The above-named officers may not hold any other office during the term of their service.
5. Chief executive power vested in the Governor.
6. Governor's message.
7. The Governor may on extraordinary occasions convene the Legislature.
8. Officers who may be nominated by the Governor.
9. In case of vacancy during the recess of the Senate.—How filled.
10. Governor may remove the same.
11. Governor may remit fines and penalties.
12. Governor Commander-in-Chief of the military forces of the State.
13. Security from State officers.
14. Every bill passed by the Legislature shall be presented to the Governor to be signed.
15. Bills making appropriations of money to be presented to the Governor.
16. Who to act as Governor in case of his disability.
17. In case of vacancy of State offices how filled.
18. The Governor may require information in writing from the officers of his department.

ARTICLE VIII.

*Judicial Department.*

1. Judicial power of State shall be vested in a Supreme Court of

## Section

- Appeals and Circuit Courts, etc.
2. The Supreme Court of Appeals to consist of four judges.—Their term of office.
  3. Shall have original jurisdiction in certain cases enumerated.
  4. In regard to decisions of the Supreme Court of Appeals.
  5. In regard to the affirmation or reversal of a decision by the Supreme Court of Appeals.
  6. A writ of error, supersedeas or appeals, shall be allowed only by the Supreme Court of Appeals.
  7. In case of vacancy in Supreme Court of Appeals how filled.
  8. The officers of the Supreme Court of Appeals, how appointed.
  9. At least two terms to be held annually.
  10. The State shall be divided into thirteen sections.
  11. A court to be held in every county at least three times in each year.
  12. The Circuit Court, supervision and control of the same.
  13. Enumeration of the Circuits.
  14. They may be rearranged.
  15. The Legislature shall provide by law for holding regular and Special Terms of the Circuit Court.
  16. All judges shall be commissioned by the Governor.
  17. They may be removed.
  18. Clerk of the Circuit Court.—His duties and compensation.
  19. Courts of limited jurisdiction.
  20. In regard to the property of soldiers of the late war of either side.
  21. The laws of the State which are in force and not repugnant to this article shall continue, etc.
  22. There shall be in each county of the State a County Court.
  23. Commissioners of the same to

## Section

- be elected for a term of office, etc.
24. County Court to have custody of all deeds, etc.
  25. In regard to actions, suits, etc., not embraced in the next preceding section.
  26. Clerk of the County Court.—His term of office, duties and compensation.
  27. Justices of the peace.
  28. Their jurisdiction and authority.
  29. The County Court may be altered or modified.
  30. The office of commissioner and justice of the peace not compatible.

## ARTICLE IX.

*County Organization.*

1. The voters of each county shall elect a surveyor of lands.
2. Also a constable, and if the population exceeds 1,200, others.
3. The same person shall not be elected sheriff for two successive terms.
4. County Court officers shall be subject to indictment.
5. The Legislature shall provide for commissioning such of the officers herein mentioned as it may deem proper.
6. It shall further provide for the compensation, duties, etc., of the same.
7. Conservators of the peace.
8. No new county to be formed with an area of less than 400 square miles, or a population of less than 6,000.

## ARTICLE X.

*Taxation and Finance.*

1. Taxation shall be equal and uniform.
2. An annual capitation tax of one dollar.
3. No money to be drawn from the Treasury but by appropriation.

Section

4. No debt to be contracted by the State, etc.
5. The power of taxation by the Legislature.
6. The credit of the State not to be granted to any of its subdivisions.
7. County taxes not to exceed for one year ninety-five cents on one hundred dollars.
8. The limit of indebtedness in county, city, etc.
9. Certain corporate bodies may be authorized to assess and collect taxes.

ARTICLE XI.

*Corporations.*

1. Legislature to provide for the organization of.
2. What stockholders shall be liable for the indebtedness of corporations.
3. All existing charters or grants under which organization shall not have taken place within two years from the time this Constitution takes effect, shall be invalid.
4. Law to provide for the election of directors or managers of incorporated companies.—Stockholders shall have the right to vote in person or by proxy.
5. Street railroads may not be constructed in any city, town or incorporated village without the consent of the local authorities.
6. A general banking law for the creation and organization of banks.
7. Every railroad corporation doing business in the State shall make a report to the Auditor of public accounts.
8. The rolling stock and moveable property of railroads shall be considered personal property.
9. Railroads are public highways.
10. In regard to the establishment of stations.

Section

11. Parallel or competing lines may not consolidate.
12. The right of eminent domain not to be abridged.

ARTICLE XII.

*Education.*

1. The Legislature shall provide by general law for a system of free schools.
2. The State Superintendent.—His duties.
3. The Legislature may provide for county superintendents and other officers.—Their duties and powers and compensation.
4. School fund.
5. Interest of the school fund to be used for the support of free schools.
6. The school districts into which any county is now divided shall continue until changed by law.
7. In regard to levies for the support of free schools.
8. White and colored persons shall not be taught in the same schools.
9. No person connected with the free school system of the State shall be interested in the sale of books, etc., used therein.
10. No independent free school district shall hereafter be created, except.
11. No appropriations shall hereafter be made to any State Normal school except those already established.
12. The Legislature shall encourage moral, intellectual, scientific and agricultural improvement.

ARTICLE XIII.

*Land Titles.*

1. All private rights in lands in this State derived from the

## Section

- laws of the State of Virginia shall remain valid.
2. No entry by warrant on land in this State shall hereafter be made.
  3. In regard to title of forfeited lands.
  4. Waste and unappropriated land in this State to be sold to the highest bidder.
  5. The former owner of any such land may receive the excess of the sum, over the taxes, charged for which the land was sold.

## Section

6. Every owner of land to have it entered on the land books of the county and causing himself to be charged with taxes thereon.

## ARTICLE XIV.

*Amendments.*

1. No convention shall be called having the authority to alter the Constitution of this State, unless.
2. Any amendment to the Constitution may originate at either house.

## WISCONSIN.

## Preamble.

## ARTICLE I.

*Declaration of Rights.*

## Section

1. All men are equally free and have certain inherent rights.
2. There shall be neither slavery nor involuntary imprisonment, except for the punishment of crime.
3. Freedom of speech and liberty of the press.
4. The people have the right to assemble peaceably for the common good.
5. Right of trial by jury.
6. Excessive bail shall not be required, nor shall excessive fines be imposed.
7. The rights of the accused in all criminal prosecutions.
8. Indictment by grand jury.
9. Justice, without sale, denial, or delay.
10. Treason against the State defined.
11. Rights of the people against unreasonable seizures or searches.
12. No bill of attainder, ex post facto law, nor any law im-

## Section

- pairing the obligations of contracts shall ever be passed.
13. Private property shall not be taken for public use without just compensation.
  14. All lands within the State are declared to be allodial, and feudal tenures are prohibited.
  15. No distinction shall ever be made by law between resident aliens and citizens in reference to property.
  16. No imprisonment for debt.
  17. The privilege of a debtor.
  18. Freedom of religious thought and worship.
  19. No religious tests shall ever be required as a qualification for any office.
  20. The military shall be subordinate to the civil power.
  21. Writs of error never permitted.
  22. The blessings of free government.

## ARTICLE II.

*Boundaries.*

1. State boundaries.
2. Act of Congress ratified.—United States property not to be taxed.



ARTICLE III.

*Suffrage.*

Section

1. Qualifications for being a voter.
2. Those who may not vote.
3. All votes to be given by ballot, except for township officers.
4. No person to lose residence because absent on business of the United States.
5. No soldier of the United States shall be deemed a resident of this State because stationed within the same.
6. Bribery, etc., to debar from voting.

ARTICLE IV.

*Legislative*

1. Legislative power is vested in the Senate and Assembly.
2. Assembly to consist of not less than fifty-four, nor more than one hundred members.—The Senate shall consist of not less than one-fourth, nor more than one-third the number of the Assembly.
3. Enumeration of the inhabitants of the State to be made every ten years.
4. How Members of Assembly are to be chosen.
5. How Senators are to be chosen.
6. To be eligible to the Legislature.
7. Each house to be the judge of the qualifications of its own members.—A majority of each shall constitute a quorum.
8. In each house a two-thirds vote required to expel a member.
9. Each house shall choose its own officers.
10. Each house to keep a journal.
11. The Legislature to meet once a year at the seat of government.
12. No Legislator to hold any civil office, etc., created during term for which he was elected.
13. Who are not eligible to a seat in the Legislature.
14. Governor to issue writs of election to fill vacancies.

Section

15. Members of Legislature privileged from arrest, except when.
16. Members to have freedom of speech in debate.
17. No law shall be enacted except by bill.
18. No private or local bill shall embrace more than one subject.
19. A bill may originate in either house.—Either house may amend a bill of the other.
20. In regard to the yeas and nays.
21. Pay of members.
22. In regard to the board of supervisors.
23. Town and county government to be uniform.
24. The Legislature shall never authorize any lottery nor grant a divorce.
25. In regard to stationery and printing.
26. In regard to increasing or diminishing the pay of public officers.
27. How suit may be brought against the State.
28. The oath of office required.
29. Who shall constitute the militia of the State.
30. In all elections to be made by the Legislature, the vote shall be viva voce.

ARTICLE V.

*Executive.*

1. The executive power shall be vested in the Governor.
2. To be eligible to the office of Governor and Lieutenant-Governor.
3. Election of the same.
4. Governor to be commander-in-chief of the State forces.—His powers and duties.
5. His salary.
6. Governor shall have power to grant reprieves and pardons.
7. When Lieutenant-Governor is to act as Governor.

## Section

8. He shall be president of the Senate. — When Secretary of State is to act as Governor.
9. Pay of Lieutenant-Governor.
10. Every bill to be presented to the Governor before it becomes a law. — He may approve or object to it.

## ARTICLE VI.

*Administrative.*

1. Secretary of State, Treasurer and Attorney-General to be chosen.
2. Secretary of State, his duties and compensation.
3. Powers, duties and pay of the Treasurer and Attorney-General are to be fixed by law.
4. In regard to sheriffs, coroners, etc.

## ARTICLE VII.

*Judiciary.*

1. The Senate, court of impeachment.
2. The judicial powers of the State are vested in Supreme, Circuit and Probate Courts, and in justices of the peace.
3. Supreme Court has appellate jurisdiction.—Shall have general superintending control over all inferior courts.
4. Judges of Circuits to be judges of Supreme Courts till otherwise provided for.
5. Division of the State into five judicial circuits.
6. The Legislature may alter the limits, or increase the number of circuits.
7. For each circuit there shall be a judge chosen.
8. Jurisdiction and power of the Circuit Courts.
9. Vacancies to be filled by the Governor.
10. Salaries of judges of Supreme and Circuit Courts.
11. The Supreme Court shall hold at least one term annually at the seat of government. — A

## Section

- Circuit Court shall be held at least twice in each year in each county in the State.
12. Clerk of Circuit Court, term of office.
13. Removal of judge of Supreme or Circuit Courts.
14. Judge of probate, how chosen and term of office.
15. Justices of the peace, term of office and how elected.
16. Tribunals of conciliation.
17. Style of writs and criminal prosecutions shall be carried on in the name of "The State of Wisconsin."
18. A tax on all civil suits, how applied.
19. Testimony in causes in equity, how taken.
20. Any suitor may prosecute or defend his suit himself, or by an attorney.
21. No general law shall be in force till published.
22. A commission of three to be appointed to inquire into, revise and simplify the rules of practice, pleadings, forms, etc.
23. One or more persons to be appointed in each county to have such judicial powers as may be prescribed by law.

## ARTICLE VIII.

*Finance.*

1. Taxation shall be uniform.
2. No money to be paid out of the treasury except by appropriation by law.
3. The credit of the State shall never be given or loaned.
4. The State shall never contract any public debt, except as provided.
5. Expenses of the State to be met by an annual tax.
6. State may contract a public debt not to exceed \$100,000.

Section

7. The Legislature may also borrow money to repel invasion, etc.
8. On the passage of a law which imposes, renews or continues a tax, etc., the question shall be taken by yeas and nays, and three-fifths of all the members shall be required to make a quorum.
9. In regard to State debt.
10. The State shall never contract any debt for works of internal improvement.

ARTICLE IX.

*Eminent Domain and Property of the State.*

1. State's jurisdiction over rivers and lakes.
2. Property of the Territory shall vest in the State.
3. State property.—All lands the title to which shall fall from a defect of heirs, shall revert to the people.

ARTICLE X.

*Education.*

1. The State superintendent, his duties, powers and compensation
2. The school fund.
3. Free, non-sectarian schools.
4. Each town and city to help support the public schools.
5. Distribution of the school fund.
6. A State university to be established.
7. Sale of school lands, commissioners for the same.
8. Duties of commissioners.

ARTICLE XI.

*Corporations.*

1. Corporations without banking powers to be formed under general laws.
2. In regard to taking private property for public use by a municipal corporation.
3. Legislature to provide for the organization of cities and incorporated villages.

Section

4. In regard to banks.
5. In regard to granting charters for the same.

ARTICLE XII.

*Amendments.*

1. Either house may propose an amendment.
2. In regard to revising the Constitution.

ARTICLE XIII.

*Miscellaneous Provisions.*

1. When the political year begins.
2. Dueling disqualifies for voting.
3. Those who may not hold office in this State.
4. Seal of State to be kept by Secretary of State.
5. Persons residing on Indian lands may vote at the nearest polls.
6. The elective officers of the Legislature, other than the presiding officers, shall be a chief clerk and sergeant-at-arms.
7. Division of counties.
8. The moving of the county seat.
9. In regard to county, city, town and village officers.
10. Offices deemed vacant and manner of filling the same.

ARTICLE XIV.

*Schedule.*

1. Territorial rights to pass over to State rights.
2. All Territorial laws, not repugnant to this Constitution, shall remain in force till they expire, or are repealed.
3. All fines, etc., accruing to the Territory shall accrue to the State.
4. Everything pertaining to the Territory to pass over to the State.
5. Officers, civil and military, holding office under authority of the United States of the Territory, shall continue to hold it till superseded by State authority.

## Section

6. Where the first session of the Legislature shall be held, and when.
7. About county and other officers.
8. A copy of this Constitution to be sent to the President.
9. Ratification or rejection of this Constitution.
10. The congressional districts.
11. The elections provided for in this article are to be conducted according to the laws of the Territory.
12. Apportionment.
13. Territorial laws to continue.
14. Term of office of certain officers.
15. Who may administer the oath of office.

## AMENDMENTS.

- Article 1, section 8.
- Article 3, section 1.
- Article 4, section 4.
- Article 4, section 5.
- Article 4, section 11.
- Article 4, section 21.
- Article 4, section 31.
- Article 4, section 32.
- Article 5, section 5.
- Article 5, section 9.
- Article 6, section 4.
- Article 7, section 4.
- Article 7, section 12.
- Article 8, section 2.
- Article 9, section 3.
- Article 13, section 1.
- Article 7, section 4.

## WYOMING.

## Article

1. Declaration of rights.
  2. Distribution of powers.
  3. Legislative department.
  4. Executive department.
  5. Judicial department.
  6. Suffrage.
  7. Education.
  8. Irrigation and water rights.
  9. Mines and mining.
  10. Corporations.
  11. Boundaries.
  12. County organization.
  13. Municipal corporations.
  14. Salaries.
  15. Taxation and revenue.
  16. Public indebtedness.
  17. State militia.
  18. Public lands and donations.
  19. Miscellaneous.
  20. Amendment.
  21. Schedule.
- Preamble.

## ARTICLE I.

*Declaration of Rights.*

## Section

1. All power is inherent in the people.
2. In their inherent right of life, liberty and the pursuit of hap-

## Section

- piness, all members of the human race are equal.
3. Political equality.
4. Security against unreasonable searches and seizures.
5. No person shall be imprisoned for debt, except in cases of fraud.
6. No person shall be deprived of life, liberty or property without due process of law.
7. Liberty and property of freemen.
8. All courts shall be open.—Justice administered without sale or delay.
9. The right of trial by jury shall remain inviolate in criminal cases.
10. In criminal prosecutions accused shall have the right to defend in person and by counsel.
11. No person compelled to testify against himself.—No person in jeopardy twice for the same offense.
12. Witnesses not to be unreasonably detained.
13. Persons proceeded against criminally by indictment.

Section

14. All persons shall be ballable.—  
Excessive bail and cruel punishments prohibited.
15. The Penal Code shall be framed on the humane principles of reformation and prevention.
16. In regard to prisons and imprisonment.
17. Habeas corpus.
18. Freedom of religious thought and worship.
19. State money not to be given to a sectarian or religious society.
20. Freedom of speech.
21. The people may assemble together peaceably to consult for the common good.
22. The rights of labor to have just protection.
23. Education encouraged.
24. The right of citizens to bear arms.
25. Military subordinate to civil powers.—Quartering of troops.
26. Treason against the State defined.
27. Elections to be open, free and equal.
28. No tax imposed without consent of the people.—All taxation shall be equally uniform.
29. Resident aliens and citizens.
30. Perpetuities and monopolies contrary to genius of a free State.
31. Water controlled by the State.
32. Private property shall not be taken for private use.
33. Private property taken for public use.
34. All laws of a general nature shall have a uniform operation.
35. No ex post facto law or other law impairing obligation of contracts.
36. The enumeration of rights in this Constitution not to impair other rights retained by the people.
37. The State is inseparable from the Federal Union.

ARTICLE II.

*Distribution of Powers.*

Section

1. The powers of government of this State vested in the legislative, executive and judicial.

ARTICLE III.

*Legislative Department.*

1. The legislative power vested in Senate and House of Representatives.
2. Election of Senators.—Term of office.—Representatives and term of office.—Qualifications.
3. Each county shall constitute a senatorial and representative district.
4. Vacancies in either house, how filled.
5. Time of election of members of both houses.
6. Compensation of members for the first Legislature.
7. The Legislature shall meet, when.
8. Senators and Representatives may not hold two offices.
9. No increase of salary or mileage.
10. President of the Senate.—Speaker of the House.
11. Majority of each house shall constitute a quorum.
12. The powers of each house.
13. Each house shall keep a journal.
14. The sessions of each house shall be open, except.
15. Adjournment for more than three days.
16. Members to be privileged from arrest, except when.
17. Sole power of impeachment vested in the House of Representatives.
18. What State officers are liable for impeachment.
19. Removal of other officers.
20. No laws shall be passed except by bill.
21. The enacting clause of every law.

## Section

22. Bills for the appropriation of money, when introduced.
23. When the bill is to become a law.
24. No bill to contain more than one subject, except.
25. No bill shall become a law except by vote of majority.
26. In regard to the title of a bill.
27. The Legislature not to pass local or special law in the following enumerated cases.
28. How bills are to be signed.
29. The numerous duties and compensation of officers and employes.
30. Extra compensation to officers, etc.
31. Stationery, printing, etc.
32. In regard to the extension of the term of office or increase or decrease in salary.
33. All bills for raising revenue originate in House of Representatives.
34. Appropriation bills.
35. Payment of money from the treasury.
36. No appropriations except for institutions under absolute control of State.
37. Money not to be granted for municipal improvements.
38. Investment of trust funds, etc.
39. The State or any county of the State to contract debts in the construction of railroads.
40. In regard to the liability of any person, association or corporation.
41. Every order, etc., to be presented to the Governor.
42. No person to promise his vote.
43. Bribery defined.
44. Any person may be compelled to testify in any lawful investigation.
45. Corrupt solicitation.
46. Members having personal or private interests in a bill shall not vote thereon.

*Apportionment.*

## Section

1. Election of Congressmen-at-large.
2. Enumeration of the inhabitants of the State in 1895 and every tenth year thereafter.
3. Representative districts may be altered.
4. Apportionment.

## ARTICLE IV.

*Executive Department.*

1. Executive power vested in Governor.
2. Eligibility for office of Governor.
3. Election of Governor.—In case of tie.
4. Governor commander-in-chief of military forces of the State.
5. Governor has power of reprieve and pardon.
6. Impeachment of Governor.
7. In case of vacancy, how filled.
8. Every bill to be presented to the Governor before it becomes a law.
9. The Governor may disapprove of any item or items.
10. In case of bribery.
11. Secretary of State, Auditor, Treasurer and Superintendent of Public Instruction.—Term of office.
12. Powers and duties of the same.
13. Salary of Governor.
14. State Examiner.—His duties.
15. Seal of State.
15. The seal of the Territory to be the seal of State until otherwise provided for.

## ARTICLE V.

*Judicial Department.*

1. Judicial power of the State is vested in the Senate.—In the Supreme Court, District Courts, justices of the peace, etc.
2. Jurisdiction of the Supreme Court.
3. Power to issue writs of mandamus.

Section

4. Supreme Court to consist of three justices.—Their election and term of office.
5. A majority to constitute a quorum.
6. In case a judge of the Supreme Court is interested in a cause.
7. Two terms to be held annually.
8. To be eligible to the office of chief justice.
9. Clerk of the Supreme Court.—His appointment.
10. District Court shall have original jurisdiction in criminal cases.
11. Judges of District Courts may hold courts for each other.
12. To be eligible to the office of judge of District Court.
13. There shall be a clerk of District Court in each organized county.
14. Appointment of District Courts.—Commissioners.
15. The style of all process.
16. Judges of the Supreme Court shall have no duties except such as are judicial.
17. Their pay.
18. Writs of error and appeals.
19. The State shall be divided into three judicial districts.
20. Enumeration of the same.
21. The Legislature may increase judicial districts.—Jurisdiction.
22. Justices of the peace.—Number and election of.
23. Appeals.
24. Time of holding courts.
25. Judges of Supreme Court shall not practice law.
26. How terms of courts are to be fixed.
27. No judge of the Supreme or District Courts shall be eligible to other offices.
28. Appeals from decisions of compulsory boards of arbitration allowed.

ARTICLE VI.

*Suffrage.*

Section

1. Right to vote shall not be denied on account of sex.
2. Requirements for voting.
3. Electors to be privileged from arrest on days of election, except.
4. Not to perform military duty on day of election.
5. Must be a citizen of the United States.
6. Those who may not vote.
7. No elector shall lose his residence in this State by reason of absence on business of the United States.
8. Soldiers, seamen or marines of the United States not deemed a resident in consequence of being stationed in this State.
9. Must be able to read.
10. Nothing herein contained to deprive any person of the right to vote.
11. Elections shall be by ballot.
12. Voters must register according to law.
13. Purity of elections.
14. Election contests, how provided for.
15. Only qualified electors appointed to civil or military office.
16. To hold office until successor is qualified.
17. The time of holding elections.
18. Election or appointment of those not provided for in this Constitution.
19. Those who may not hold offices under the State and the United States.
20. Oath of office.
21. How the oath shall be administered.

ARTICLE VII.

*Education.*

1. A complete and uniform system of public instruction.

## Section

2. Perpetual school fund.
3. Grants, gifts and devises for the same.
4. County school fund.
5. Custodians of such funds.
6. They shall be deemed trust funds in the care of the State.
7. The income of the same to be applied to the support of free schools.
8. Income to be divided among the several counties.
9. Are required to attend school between six and eighteen years of age.
10. No distinction or discrimination to be made on account of sex, race or color.
11. Text books not to be prescribed for use in public schools.
12. No sectarian instruction.
13. Board of land commissioners.
14. The general supervision of the public schools intrusted to the State Superintendent of Public Instruction.
15. The establishment of the University of Wyoming is hereby confirmed.
16. Open to students of both sexes, irrespective of race or color.
17. Management of the University.
18. Charitable, reformatory and penal institutions.
19. Property belonging to the Territory to pass over to the State.
20. Public health and morals.
21. Public buildings of the Territory to pass over to the State.
22. Care of public buildings.
23. Power to change the seat of government.

## ARTICLE VIII.

*Irrigation and Water Rights.*

1. Natural streams, lakes, etc., the property of the State.
2. Board of Control to consist of State Engineer and Superintendents of Water Divisions.
3. In regard to appropriations.

## Section

4. The State to be divided into four water divisions.
5. The State Engineer.—His appointment and term of office.

## ARTICLE IX.

*Mines and Mining.*

1. Inspector of mines.—Duties and salary prescribed by law.
2. Mines to be ventilated and drained.
3. No boy under fourteen years and no woman or girl of any age permitted in or about mines for the purpose of employment therein.
4. Injury to person or property for failure to comply with the provisions of this article.
5. Mining and metallurgy to be taught in one of the State institutions.
6. There shall be a State Geologist.

## ARTICLE X.

*Corporations.*

1. Laws relating to corporations may be altered.
2. All powers and franchise of corporations derived from the people.
3. What charters and franchises are to be invalid.
4. No law limiting the amount of damages for the injury or death of anyone.
5. In regard to corporations transacting business in the State.
6. No corporation may engage in more than one general line of business.
7. Common carriers, definition of.
8. Competing corporations may not consolidate for the purpose of controlling prices, etc.
9. The right of eminent domain.
10. Co-operative associations.

*Railroads.*

1. Railroads may connect with and cross each other.
2. Railroads and telegraph lines, public highways and common carriers.



Section

3. Every railroad corporation to make a report to the Auditor of the State annually.
4. The right of eminent domain not to be abridged.
5. The State or any of its subdivisions may not give or loan its credit.
6. In regard to the acceptance of the provisions of this Constitution.
7. The right to construct or maintain telegraph lines within the State.
8. Foreign railroads and telegraph lines must have an agent in each county through which they pass.
9. No railroad to pass within four miles of any existing town or city without providing a suitable depot.

ARTICLE XI.

*Boundaries.*

1. Boundaries.

ARTICLE XII.

*County Organization.*

1. The counties of the State to be the same as those of the Territory.
2. New counties may be organized.
3. County seats may be changed.
4. A system of township organization and government.
5. Election of county officers.

ARTICLE XIII.

*Municipal Corporations.*

1. Legislature to provide by law for the classification of municipal corporations.
2. They shall not be organized without the consent of the majority of the resident electors.
3. Restrictions of the same in regard to levying taxes, borrowing money and contracting debts.

Section

4. Street railways, telegraph, telephone and electrical lines shall not be constructed without the consent of the local authorities.
5. Municipal corporations shall have the same right as individuals.

ARTICLE XIV.

*Salaries.*

1. All State, city, county, town and school officers shall be paid definite salaries.
2. The fees of certain officers.
3. Salaries of county officers to be fixed by law.
4. The Legislature shall provide by general law for such deputies as the public necessities may require.
5. In regard to the change of title of offices.
6. Offices to be consolidated.

ARTICLE XV.

*Taxation and Revenue.*

1. All lands and improvements listed for assessment.
2. Coal mines from which coal is not being mined shall be assessed.
3. In regard to mines of gold, silver, other precious metals, etc.
4. For State revenue, the tax not to exceed four mills on the dollar.
5. For county revenue, the tax not to exceed twelve mills on the dollar.
6. An incorporated city or town, there may be a tax not to exceed eight mills on a dollar.
7. Regard to money belonging to the State, county, town, etc.
8. No profit to be made directly or indirectly out of public funds.
9. There shall be a State board composed of State Auditor, Treasurer and Secretary of State.

## Section

10. Their duties.
11. All property, except as in this Constitution otherwise provided for, shall be uniformly assessed.
12. What property to be exempt from taxation.
13. No tax to be levied except in pursuance of law.
14. The power of taxation shall never be surrendered.

## ARTICLE XVI.

*Public Indebtedness.*

1. Indebtedness of the State.
2. No debt in excess of the taxes for the current year.
3. County indebtedness.
4. No debt in excess of the taxes for the current year in any county or subdivision thereof.
5. Limit of indebtedness in towns, cities, villages, etc.
6. The State and its subdivisions not to loan its credit.—The State shall not engage in work of internal improvement.
7. State money shall not be paid out of the State treasury, except upon appropriation by law.
8. State bonds to be valid must be indorsed.

## ARTICLE XVII.

*State Militia.*

1. To consist of whom.
2. Equipment and discipline of militia.
3. All militia officers to be commissioned by the Governor.
4. The flag or banner which the militia may carry.
5. The Governor to be commander-in-chief.

## ARTICLE XVIII.

*Public Lands and Donations.*

1. In regard to lands granted to the State.

## Section

2. In regard to the proceeds from the sale and rental of lands.
3. Board of Land Commissioners.
4. Legislature shall enact the necessary laws for the sale and leasing of land.
5. In regard to those who have settled upon school lands.
6. If any part of the interest or income of the perpetual school fund is not expended.

## ARTICLE XIX.

*Miscellaneous.*

1. Live stock.—Eight hours a day's work.—Labor on public works.
2. The Legislature shall see that the foregoing provisions are enforced.—Courts of Arbitration.—Police powers.—Labor contracts.—Arbitration homesteads.

## ARTICLE XX.

*Amendments.*

1. Amendments may be proposed in either branch of the Legislature.
2. If two or more amendments are proposed.
3. A convention to revise or amend this Constitution may be called.
4. Any Constitution adopted shall not be valid until it has been adopted by the people.

## ARTICLE XXI.

*Schedule.*

1. To avoid inconvenience in the change of Territorial to State government.
2. Real and personal property, etc., belonging to the Territory shall become the property of the State.
3. All Territorial laws not repugnant to this Constitution shall remain in force.
4. All fines, etc., accruing to the Territory shall accrue to the State.

## INDEX.

ccxxxiii

### Section

5. All bond obligations or other undertakings, undertaken before the organisation of this Constitution, shall remain valid.
6. All Territorial officers shall continue to hold office.
7. The Constitution to be adopted or rejected.
8. When the Constitution is to take effect.
9. What is to be done upon the admission of the Territory as a State.
10. Notice of election to be given.
11. Board of canvassers, to consist of whom.
12. Oath of office to be taken within thirty days after election.
13. The Governor to issue a proclamation convening the Legislature.
14. The Legislature shall pass all necessary laws to carry into

### Section

- effect the provisions of this Constitution.
15. In regard to judges of the Supreme and District Courts.
16. The seals of the Territory are to be the seals of the State.
17. Records and papers of the Probate Court.
18. In regard to Senators and members of the House.
19. County and precinct officers.
20. Members of the Legislature, State officers, District and Supreme Courts to continue.
21. In regard to the first session of the Legislature under this Constitution.
22. In regard to the time county and precinct officers shall hold their offices.
23. This Constitution has been presented to the people to be accepted or rejected.

## DISTRICT OF COLUMBIA.

### ARTICLE I.

#### Section

1. Limits of the District of Columbia.
2. How governed.
3. A municipal corporation.—Commissioners' officers of District.
4. Laws continued in force.

### ARTICLE II.

1. Two citizens and officers of engineers appointed and detailed.
2. Enter on duty July 1, 1878.
3. Officers detailed to perform no other duty.—Salary of.
4. Qualifications of persons appointed.
5. Commissioners shall elect a president.
6. Shall take an oath of office.
7. Compensation of civil commissioners.—Give bonds.

#### Section

8. Term of office of civil commissioners.
9. Commissioners and officers disqualified as bail.
10. Contractors disqualified as bail.

### ARTICLE III.

1. Commissioners successors of old board, whose functions cease July 1.
2. Powers and duties of commissioners.
3. Limitation of powers to contract.
4. Power over hack stands.
5. Penalty for violating orders in reference to hacks.
6. Lawful taxes to be collected.
7. Taxes shall not be anticipated.
8. May borrow \$200,000.
9. Power over officers and employees.

## Section

10. Power to maintain lamps out of city limits.—All rights under pending suits saved.
12. Shall submit estimates to Secretary of the Treasury.
13. Shall submit estimates for bridges, charities, etc.
14. The United States retains its present control of public works.
15. Secretary of the Treasury to revise estimates.—Commissioners to report estimates to Congress.
16. Congress to appropriate one-half.
17. One-half paid by taxation.
18. How taxes are assessed and collected.
19. Rate of tax on property in cities.
20. Rate of tax on agricultural property in country.
21. Collector to publish notice of payment of taxes.
22. Deduction of tax, when made.
23. Penalties under act of March 3, 1877, suspended.

## ARTICLE IV.

1. May prescribe duties of assessors and times of payment of taxes.
2. Taxes where paid, and how disbursed.
3. All accounts settled by Treasury department.
4. Secretary of the Treasury is to pay interest on the 365 bonds and credit amount to United States.

## ARTICLE V.

1. Costs for public works, repairs, etc., how advertised.
2. Awarded to the lowest bidder.
3. Commissioners may reject all bids.
4. Work not to be subdivided.
5. Contracts only made by the concurrence of all the commissioners.

## Section

6. Contracts invalid unless recorded.
7. No pavement shall be accepted, but of the best material and work.
8. Contracts secured by penal bonds approved by the commissioners.
9. Contractors to keep work in repair five years.
10. Ten per cent of the cost of all new works shall be retained as an additional security.
11. Portion of public works chargeable to street railroad companies.
12. How tracks shall be paved.
13. United States pay half of all costs under article 5, except that done by railroad companies.
14. Paid on warrants of commissioners by the Secretary of the Treasury.
15. When the District to pave tracks of railroad companies.
16. Commissioners may issue certificates of indebtedness against their property, etc.
17. If certificates are not paid property, to be sold.
18. Duties of railroad companies where tracks intersect.
19. Water and gas mains and pipes to be laid before streets are improved.
20. Washington Gas-light Company to care for its mains, etc.
21. Two subordinate engineers detailed from army by the President.

## ARTICLE VI.

1. Metropolitan police board abolished.—Board of trustees of public schools abolished.
2. Commissioners appoint trustees of public schools.

## ARTICLE VII.

1. Sinking fund commissioners abolished.—Duties performed

## INDEX.

CCXXXIV

### Section

by the United States Treasurer.

#### ARTICLE VIII.

1. Board of health exceeded by health officers under control of commissioners.

#### ARTICLE IX.

1. Commissioners appoint sanitary inspector of District.—Number and qualification.
2. Inspector's report, how and when.
3. Health officers report to commissioners.

#### ARTICLE X.

1. The commissioners may appoint, on recommendation of health officer a reasonable number of clerks.

#### ARTICLE XI.

1. Salary of health officer.

### Section

2. Sanitary inspector's compensation.

3. Salaries of the clerks.

#### ARTICLE XII.

1. Commissioners report to Congress.—Drafts of law.
2. To report annually their acts in detail.

#### ARTICLE XIII.

1. The present debt of the District not to be increased.
2. Penalty for increasing debt of the District.

#### ARTICLE XIV.

1. The act of June 17, 1870, construed.—Revised statutes of District of Columbia.
2. Taxes remitted on school property.
3. Above act limited.

#### ARTICLE XV.

1. Repealing clause.









